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14

THE INDIAN STATES AND
INDIAN FEDERATION

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THE INDIAN STATES
AND
INDIAN FEDERATION

BY
SIR GEOFFREY DE MONTMORENCY

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“These Treaties are by Us accepted and will be scrupulously maintained.”

(Extract from Queen Victoria’s Proclamation.)

“It is difficult for us to realise the intricacies and complexities of the vast fabric of Government in India, Native and British, and the extent to which it is embedded in the history of the past and interwoven with modes of thought and belief not shared by our Western civilisation. We cannot undertake to apply to it a few simple universal formulas on which Western democracy professes to rest.”

(Extract from Stephen Leacock’s *Our British Empire*.)

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THE INDIAN STATES AND INDIAN FEDERATION

CHAPTER I

The Government of India Act of 1935: The Federal Impasse: The Place of the Indian States in the Problem

THE ordinary man in England, even if he has never been a student of political science or history, is able to appreciate the general position regarding a Federal Government at the centre in India in its broader aspects. He understands to some extent what a Federal Government means and has, if not at his finger ends, at least at his elbow, the examples of the United States and of Dominions, such as Canada and Australia. His common sense also teaches him that there must have been obstacles to overcome and complexities to adjust before these Federations reached the present stage in their evolution. He has no difficulty in realising that the Government of India Act, passed by the British Parliament in 1935, was designed to lead India forward in the path of devolution towards acquiring a status similar to that of the Dominions. He knows that the Act fell into two parts: that the

part relating to provincial Governments, which gave those administrations a high degree of autonomy in the legislative and executive spheres of the provincial field, is already in force and may be said to have functioned successfully until the bosses of the All-India Congress party threw a spanner into the wheels of its machinery in eight provinces; and that the federal portion of the Act, relating to the Government at the Centre, has not been put into force owing to difficulties, the chief of which is a reluctance of the component elements to accept its implications.

The ordinary man's common sense once more assists him to sort out the more salient difficulties among a mass of objections, many of which his democratic shrewdness inclines him to think are over-coloured by the brush of political controversy. Clearly there is the general difficulty of the vast area and heterogeneous composition of the peoples of India. The reservations of power in the Act by the British Parliament concerning foreign affairs, defence, law and order in emergencies, and some other matters, are no doubt as gall to the *amour propre* of an intensely nationalist Congress party. Next there is the deep distrust of the Muslims for the Hindus, who form the major portion of the population and whose idealisms colour the outlook of the largest political party,

the Indian Congress. The apprehension of the untouchables also finds a place in the picture. Though they form a part of the Hindu block, they imagine that a Central Government dominated by the Congress party, in which the caste Hindu is the chief element, spells for them a continuation of a social system of antagonistic privilege, thwarting all efforts for their uplift and progress. Lastly, there is the factor of the Ruling Princes and the Indian States.

The ordinary man feels that, with one exception, he possesses some yard-measure of precedent or parallel to test the length and breadth of these difficulties and to form his own conclusions upon them. As regards the problem of size and heterogeneous elements, an equation has been found for it in the U.S.A., in spite of the vast area peopled by Red Indians, African Negroes, and immigrants from every race and country of Europe. So far as reservations are concerned, the Union of South Africa did not find the protectorate over the African indigenous population a palatable matter, but there was sufficient good sense not to treat it as a permanent obstacle to working a Dominion Government. The Hindu and Muslim difficulty, to the extent that it is racial, does not differ in kind from the antagonisms between the French and other elements in Canada or between the Boers

and Uitlanders in the Union of South Africa, the wounds of which were still smarting when Dominion Governments began to work in those countries: and if it is, as it mainly is, religious, time elsewhere has smoothed away such acerbities. France set up a Government based on liberty, equality and fraternity in spite of St Bartholomew's day. Merry England once had its Jewish persecutions and Catholic disabilities. In John Bull's other island, even if the evil has not been entirely cured, at any rate some *modus vivendi* has been evolved. In the affairs of bigotry there comes a tide when even the fanatic realises

.....in spite of all his learning
That if a man's belief is bad,
It will not be improved by burning.

The untouchables present no unfamiliar spectacle—only another pack of underdogs barking outside the stone walls built round the preserves of privilege: *Ça ira*: everywhere in the end such walls have tumbled down or are beginning to totter. But the Indian Princes and the States baffle our scrutiny. We search our background in vain for a parallel or a precedent. Even the Simon Commission described them as “without precedent or analogy elsewhere”. There is an example perhaps at the moment in the position of some erstwhile Sovereign States in Europe, e.g. the King of Denmark

and his State, if it occurred to him. The factor, whatever may be the pith of it, cannot in fairness be dismissed: for the States cover approximately two-fifths of the area of India and contain more than one-fifth of its total population. A way out of the problem would be to accept the Austinian doctrine that the Indian States and their rulers do not exist except as a figment of imagination because they are not repositories of a sovereignty which is at once unlimited and indivisible; but the Indian Princes, the Government of India and the Commonwealth would react as violently to this line of argument as Sarah Gamp did to the suggestion that there was no such person as Mrs Harris.

What follows is an attempt to provide the ordinary man with a background about the States.

CHAPTER II

General Conspectus of the Position of the Indian States at the Time when the Government of India Act of 1935 came into Force—Points of Diversity and Similarity between State and State

THE INDIAN STATES can be classed, from the point of view of origin, in four main categories, though there are a few, the history and conditions of which do not strictly conform to the features of any of the four. First, there are the old-established States, which were in existence before the main waves of foreign invasions took place. These are Hindu States, of which typical examples are the Rajput States. Such States are not necessarily now located in the territories in which they had their origin. The Rajput States, for example, now mainly found in Rajputana and the North-West Himalayas, once occupied kingdoms in the Gangetic Plain, from which they were driven by invasion.

In the second class fall States which were thrown up as a by-product or residue of invasion. These are mainly the States with Muslim dynasties founded by nobles, generals or viceroys of in-

vading foreign emperors or by mere military adventurers. Good examples of these surviving at the present time are Hyderabad, which was founded by Asaf Jah, a Turcoman, who was a general and viceroy of the Emperor Aurangzeb; and Bhopal, which was established by Dost Muhammad, an Afghan, who had also been in the employ of Aurangzeb.

Thirdly, there are the States which emerged in the period of the decline of Mogul power and prior to the final stages of the consolidation of British authority. The most important of these are the States carved out by the generals and officials of the Maratha Confederacy, such as Baroda, Gwalior, and Indore.

Lastly, there are the newer States which the British set up or recognised during the final period of consolidation. The largest and most important of these is the State of Jammu and Kashmir. They include a number of small chiefships, whose position, formerly doubtful, was recognised as possessing a measure of internal sovereignty by the British authorities.

Only one State, Benares, has been set up and recognised since the assumption of the Government of India by the Crown. The States vary very greatly in size and resources. Among the States the rulers of which possess dynastic salutes of

11 guns or upwards the diversity may be illustrated by comparing Hyderabad (with a dynastic salute of 21 guns) with an area of 82,698 square miles, a population of fifteen millions and a State revenue of over seven million pounds, with the State of Baoni (with a dynastic salute of 11 guns) with an area of 121 square miles, a population of nineteen thousand and a revenue of nine thousand pounds only: and in the non-salute States the variation is equally remarkable, while the nadir sinks to an even lower figure.

A more modern standard of judging the relative importance of States, apart from that of salutes, may be found in the composition of the Chamber of Princes. There are 108 Rulers of States of acknowledged position, with dynastic salutes of 11 guns and upwards, entitled to be addressed by the title of His Highness, who are members of the Chamber of Princes in their own right. There are 127 other States of a secondary degree of importance, which are considered entitled by their position to be represented in the Chamber by twelve Rulers elected by groups of States. Outside these two categories are 393 States of lesser significance, which have no representation at all in the Chamber.

Among the 108 Rulers who sit in the Chamber of Princes in their own right, eight rule over States with populations of over two million, and five over

States with populations of under two million but exceeding one million.

If there is disparity in size and resources and in degrees of importance and status among the Indian States there are other equally wide and even more fundamental differences to be found in the fact that some States are ruled by Hindu, some by Muslim and some by Sikh dynasties. The States with Hindu dynasties are still further differentiated from each other by the circumstance that some are ruled by dynasties of high caste, e.g. the Rajput States, and some by rulers of lower castes. However large the territories, however great the material importance of the latter, they lack a cachet in Hindu eyes which is the inherited prerogative of the high-caste Hindu ruler.

There is also an almost inevitable tendency of rulers of the old-established States to look upon more recent members of the princely order as parvenus. Mewar (Udaipur), for example, the premier Rajput State, takes a great pride in the antiquity of its ruling dynasty (which dates back to prehistoric times), and finds it difficult to credit that the same ichor flows in the veins of the rulers of Hyderabad and Kashmir, far larger States but more recently established.

There is also the legacy of history. Even to-day there is some vague coolness between the Rajput

and Maratha Princes, when they come together on occasions such as meetings of the Chamber of Princes, though outwardly the exchanges of formal politeness seem elaborate enough. There are, it appears, still rankling memories of the period when Maratha marauders planned the conquest and absorption of Rajputana.

Added to this is the fact that in India the Sovereign is the State, and the inherited as well as the personal qualifications for rule of each Sovereign therefore present many degrees of difference.

The administration of some States is excellent and approaches and indeed in some particulars excels that of the British Provinces. Some other States have less progressive administrative arrangements; and the government in a few may be said to be definitely bad, and, in the interests of their subjects, to call for early reform.

Another line of differentiation may be drawn between States that have given some representative character to their institutions, and those that remain based on autocracy working through a bureaucratic machine. Some thirty States, including the most important, have legislative assemblies; and some of these have elected majorities and the right of voting on budget grants. The remainder have not advanced to this stage of devolution of power. Again, in some States the

ruler has limited his autocracy by the appointment of a Supreme Court of Justice, independent of the Executive and competently staffed by experienced barristers or ex-judges from the High Courts of British India. Thirty-four States claim to have separated Executive from Judicial functions entirely. In some other States the Judiciary has an Executive flavour and composition.

Stress has sometimes been laid on the difference between the States that have definite treaties with the British authority and those that have only engagements or sanads of a less formal kind. This difference, however, may well be over-emphasised and misunderstood. Though a treaty may indicate importance in status and historical perspective, its absence does not deprive a State, in practice, of many of the advantages which the State with a treaty enjoys. Many a small State, which has only a sanad recognising a right of adoption made by its ruler as valid for dynastic succession, is firmly guaranteed in all the rights and privileges which a great body of written documents and a long record of political practice have secured for other larger and possibly more important or historic States.

The outlook and interests of the larger and the smaller States are different. The smaller States do not greatly trouble about All-India questions and

are not much affected by measures relating to them; but they are nervous lest the weakness of their position may encourage their neighbours to take liberties with them; and for this reason they concentrate on local issues and expect the British authority to exercise vigilance on their behalf and to protect them against encroachments on their rights by neighbours. The larger States feel confident in their own strength and ability to deal with local issues, but expect the Government of India to bear their status and importance in mind and give due weight to their views, when administrative measures in British India (e.g. in the question of tariffs and so forth) seem likely to have reactions upon them.

The geographical diffusion of the States accentuates the lack of close bonds between State and State. The States are scattered over every portion of the map of India. In the north-east, Cooch-Bihar and Sikkim are in the geographical orbit of the Bengal Presidency, while Manipur State is surrounded by the territories of the province of Assam. Travel southwards in the eastern portion of India and the next block of Indian State territory will be found in a chain of small States severing the British Provinces of Orissa and Bihar from the Central Provinces. Farther south, Hyderabad State straddles across the Deccan almost from sea

to sea, touching at its south-west corner the southern portion of the Bombay Presidency and almost reaching the Portuguese Colony of Goa, while on the south-east it comes close to Coconada on the east coast of the Madras Presidency. Farther south still are to be found the Mysore State, only divided from Hyderabad by the Madras district of Bellary, the Cochin and Travancore States facing the Indian Ocean, and the small State of Pudukkottai. The latter is entirely encircled by British districts of the Madras Presidency. Proceed northwards up the west coast and, both on the coast and inland, various States will be met with, mainly of the Maratha period, dotted about in Bombay Presidency territories. The largest of these is Kolhapur. This chain of interrupted links of States ends in the north of the Bombay Presidency with the State of Baroda. Farther to the north-west is the promontory known as Kathiawar and the island of territory known as Cutch. The two latter regions consist of an uninterrupted block of Indian States. To the north-east of Bombay, separating Bombay and the Central Provinces from the United Provinces, lies the main mass of the Central Indian States, which include Indore, Gwalior, and Rewah. The northern and north-western portion of Bombay is divided from the Punjab by the wide strip of Rajput States known as

Rajputana. In the United Provinces are to be found the isolated States of Rampur, Benares, and Tehri Garhwal. To the north-west, the Punjab territory envelopes the three Phulkian States of Patiala, Jind and Nabha, Kapurthala, Malerkotla, Faridkot, and a number of smaller States. Kashmir State divides the Punjab to the north from Turkistan and the Central Asian plateau. In the south-west Punjab running down to the boundary of the province of Sind is the State of Bahawalpur, while Sind territory encloses the State of Khairpur except where it touches the western Rajputana States.

These are some of the chief differences and disparities: on the other side of the picture the peculiarities and similarities, which are shared by all the States, may be briefly enumerated. The States are not British territory and their subjects are not British subjects, though they are British protected persons. They are governed by hereditary rulers under the sovereignty of the British Crown. They have no foreign relations or diplomatic relations *inter se*; these matters are in the sphere of the British authority. The rulers exercise varying degrees of control over the internal affairs of their States; their authority in such matters is usually wide and untrammelled, but is in all cases limited by their relationship to the paramount

power, which is determined by treaties and engagements, supplemented by usage and sufferance. The States are all equally entitled to British protection and defence from aggression and to an effective guarantee of survival and integrity. In the territories of the States British Indian law does not apply. The British-Indian Central and Provincial legislatures have no power to legislate in regard to the affairs or subjects of the States: and the High Courts and Chief Courts of British India have no jurisdiction in their territories.

CHAPTER III

Difficulty in Focusing the Relative Importance of the Indian States in the Invasion Period of Indian History—The Position and Characteristics of the States in this Period

WE are prone to think of India too much in terms of Empire. This is perhaps to some extent due to the method of presentation of the invasion period by the historian, which may lead the casual reader to yield to a facile illusion.

If we glance at any history of India, after the story passes from the shades of legend into the light of history the chapter headings will be something like this: Persian Rule—Alexander the Great—The Maurya Empire and Asoka—The Gupta Empire—From Harsa to Mahmud of Ghazni—The Turkish and Afghan Dynasties—The Mogul Conquest—Disintegration of the Mogul Empire—The Administration of the East India Company—British Rule in India—The Indian Empire.

Inevitably the chief interest of the historian has centred on the outside contacts and larger movements. The spotlight has been turned on to Empires whether of indigenous origin or the fruit

of foreign invasions. The Indian States come in for incidental mention, but only to the extent to which some State or group of States resisted, thwarted or assisted the consolidation of each successive Empire. This process tends to throw into comparative obscurity the fact that there was always a texture of Indian States, both large and small, coexisting with these Empires; and readers of history will have visualised an incomplete picture unless they have understood that the Indian State is an old-established, persisting, and recurring feature of importance at every stage of the chronicle of India's life.

Many of these States have roots so deeply established in the soil that the time of their seeding is lost in the mist of old tradition. They were in India before a Muslim set foot on Indian soil east of the Indus, before the first European ship cast anchor in the water of an Indian bay, before Queen Elizabeth signed a charter for trade in the East Indies, and centuries before the first political party in India was born. Other States were a by-product of the wars between State and State, or the havoc of invasions from without, these events creating unrest and disintegration and so giving some ardent spirit an opportunity to carve out a kingdom and enthrone a dynasty. States waxed and waned. At one period or another some States

were absorbed in one Empire or another, often to regain their independence when another page of history was turned over. A few States could claim that at no time had they acknowledged a suzerain, or suffered their sovereignty to be impaired. Others had to confess to eras when they had been forced to acquiesce in overlordships. Often the latter were mild in incidence, involving little more than the payment of tribute (and often not even that) and leaving their autonomy in internal affairs undisturbed. They heard "the legions thunder past and turned to thought again". At all times away from the path of the invading legions or the effective range of the writ of the foreign satrap, there were States occupied with their own entities, living their own lives, with their own systems of government, courts, and cultures, intent on their own preservation or aggrandisement, and busy in their own internal affairs or in wars of offence or defence with their neighbours.

Perhaps the greatest extent of the obliteration of sovereignty in the States coincided with the zenith of Mogul power; but in the reign of the Mogul Emperor Akbar this obliteration, though extensive, was very moderate in character. Akbar was anxious to have a free hand for his campaign in the east and south of India. He knew that the rulers of Hindu States, especially the Rajputs, had been

the mainstay of Indian resistance and opposition throughout the Pathan period and during the first Mogul incursion: and while Akbar was determined to proceed to conquest rather than leave any Hindu States in effective opposition to him on his flank and rear, he preferred to obtain their fealty at an early stage by the offer of easy conditions. He was prepared to treat them as friends and auxiliaries provided they took the step of acknowledging his overlordship. After a meeting with the ruling Hindu Prince of Jaipur (Amber), while on a pilgrimage to the Chhisti Shrine at Ajmer, he took his daughter as a bride. She became the mother of his son the Emperor Jehangir. At the same time the Jaipur Rajah's son and grandson were enrolled among the Mogul nobility and given important commands. This was followed by other matrimonial alliances between the Imperial House and other Rajput Princesses from Bikanir, Jaisalmir and other Rajput States: and gradually, as a result of this policy of conciliation and association, the fealty of a large number of States was secured. Numbers of Princes, including the chiefs of Amber, Marwar, Bikanir, Jaisalmir, Bundelkhand, Chanderi, Karauli, and Datia, were given high positions at the Mogul Court or military commands. A Rajput Prince was appointed Governor of Kabul. There were exceptions. For

example, Rana Partap of Udaipur (Mewar), the premier Rajput Prince, though defeated in battle and driven from his capital, never bowed the knee to Akbar, but continued to wage war upon the Emperor and to administer his kingdom from the hill fastnesses of his State; but even Princes, who at first offered stubborn resistance and eventually came to terms, were generously treated by Akbar. For example, Rao Sajan Singh, Hara Rajput of Bundi, before surrendering the fort of Ranthambhor, was able to secure the conditions that he should receive an honourable status at the Imperial Court, be confirmed in the possession of all his territories as a direct vassal of the Emperor and name his own terms for the maintenance of his position and ancestral dignities. So long as Princes accepted his suzerainty and identified themselves with his régime, Akbar was content that they should continue to administer the internal affairs of their States without interference by the Mogul administration.

If history has to some extent been guilty of fostering illusions about the comparative unimportance of the Indian States, literature cannot altogether be exonerated. Writers such as Bernier, Manucci, and Tavernier (to quote only a few) have left us in the West memorable studies of the main features of Mogul rule and Mogul social customs

in India—as rich a heritage of observation and description of the modes and manners of a race in another age as one century has ever handed on to another. These dazzling accounts of Mogul life afford few glimpses of the régime and culture of contemporaneous Indian States, and by this silence seem to stress their relative unimportance; and though Tod's *Annals of Rajasthan* made a vivid appeal to Kipling, as the Rajputana papers in *The Letters of Marque* show, this classic work on the great Rajput States is not now read by any wide audience. It was a Western poet who wrote on the theme of Akbar's dream; but the pages of Western poetry will be searched in vain for verses on Raja Rasalu, Raja Sirikup, Raja Bhoj, and Ahulia Bai (the Good Queen Bess of Malwa), whose exploits and sagacity are so widely sung in Indian balladry.

For a long time Western artistic perception also contributed to the illusion. The vast scale and elaborate design of Mogul architecture—Fatehpur Sikri, Akbar's tomb at Sikandra, the pearl Mosque, the fort and the Taj at Agra, the Diwanis of Shahjehanabad, the tomb of Humayun and the Jama Masjid at Delhi—arrested and monopolised attention and became world-famous; and it was only in comparatively recent times that the older achievements of Hindu architecture in the States

began to attract the interest which they merit. In the same way Europe was charmed at an early stage by the Persian school of painting, followed by the Persian-Indian school, which mainly depicted Mogul Emperors, with a Mogul entourage, sitting in audience on their thrones, showing their prowess in the chase, or engaged in the dalliance of Court entertainments. The atelier of purely indigenous growth, which dealt with episodes of Hindu mythology, the courts and camps of Indian States and other and older systems, was doomed to secure only a much more tardy recognition.

Next in importance to a realisation of the antiquity and recurring ubiquity of the States is an understanding of their clear-cut individuality. This characteristic is specially prominent in the case of the older States and persists to this day, though it is no longer a universal feature of States generally. In the case of comparatively recent recruits to the princely order, it is not unusual to find a Muslim dynasty ruling over a largely Hindu State, as for example in Hyderabad, or a Hindu Maharaja at the head of a State of which the majority of the inhabitants are Muslims, as in the even more recently established State of Kashmir: but in the Rajput States in Mogul times a Rajput State was a Hindu State with a Hindu ruler, a Hindu nobility, a Hindu civil service and Hindu

subjects. Moreover, the ruling dynasty of each State was usually that of a certain sept of Rajputs, and the nobility and leading landholders in the State came from the same sept. While Rajput States sometimes joined together against a common foe, more often one State representing one sept was at war with another representing another sept, or States of septs, which had affinities with each other, joined in opposition to a ruler of another Rajput sept. There was to this extent a flavour of isolation and individualism in the composition of each State. Distance and difficulties of communication separated State from State; and as the campaigns of invaders made headway, and some States were absorbed while some retained their independence, this individuality and isolation became still further stressed. The Marathas were to display remarkable aptitude for working in confederacy for considerable periods, but this capacity was only sporadically in evidence among the Rajput States. It was prominent among the latter in the Turkish and Afghan periods and at the beginning of the Mogul invasions. It sank into obscurity under the tactful handling of Akbar, only to revive again in the reign of Aurangzeb, who foolishly altered the policy of his predecessors towards Hindu States. At the end of the latter's reign, though peace had been concluded with Mewar, war dragged on

between the Mogul Emperor and Marwar (Jodhpur), and only a few of the Rajput Princes continued to render loyal service to the Emperor. Many were openly hostile; others were at best only lukewarm; and Rajputana ceased to be a recruiting ground for troopers for the Imperial army, with unhappy repercussions on the war in the south for which troops of this calibre were so urgently needed by the Emperor. When, at a later stage in history, powerful Maratha neighbours cast covetous eyes on the Rajput States, it was not the joint action of the Rajputs, but the pressure of the British authority, that in the end preserved the integrity of these States.

The persistence of the Indian State with a limited sovereignty but with a high degree of independence in internal administration, at different epochs of pre-British Indian history, is also a remarkable feature. Whether the supreme Government of India happened to be of indigenous growth or an *imperium* set up by a foreign invader, the direct rule of the peoples and of tracts of the whole sub-continent was never an accomplished fact; and force of circumstances appears almost invariably to have compelled each successive supreme authority to be content with administering part only of the area of its Empire by its own direct rule, and leaving the remainder to be

governed, so far as internal affairs were concerned, by a number of local sovereigns under its suzerainty and overlordship.

This was so even as early as in the days of the Mauryan Empire. From portions of the account written by Megasthenes, the envoy of Seleucus to Patna, and preserved in the writings of later Greek authors, it appears that the Empire of Chandragupta (*circa* 305 B.C.), running from Bengal to the Hindu Kush mountains and possibly including Malwa and Gujarat, contained, in addition to the realm directly administered by the Emperor, a number of subordinate kingdoms paying tribute but retaining their internal autonomy. The position of such States is compared by Megasthenes to that of the privileged "autonomous cities", which were a feature of portions of the Seleucid Empire.

Asoka (*circa* 274 B.C.) extended the Mauryan Empire further in the south of India. He ruled a portion of it through the agency of three viceroys; but the larger portion appears to have been held by vassal kings, and a sort of Confederation of States formed part of the Imperial scheme of government.

There is no reliable record for a long period after this; but in the eleventh, twelfth and thirteenth centuries A.D. it is clear that the Turkish invaders were using practically identical methods.

With them revenue appears to have been an important consideration. Sometimes the power of a Hindu ruler was broken, and the revenues formerly enjoyed by him were collected by another agency which directly administered his former subjects and possessions. In other cases rulers were allowed to retain full authority over their States, provided that they paid to the Turkish Emperor the revenues they had derived from them. Generally speaking, the chiefs retained their position, and the administration of the larger portion of the Turkish Empire was in their hands.

The position in the sixteenth century in the time of Akbar, the Mogul Emperor, has already been explained. The revenue consideration, it is interesting to note, then fell into comparative insignificance. What Akbar was anxious to secure was not so much the employment of the total revenues that Indian State rulers had possessed, as the fealty and support of the Hindu rulers to aid him in his campaigns against States with Muslim rulers. He saw in the latter (who were as a rule nobles, viceroys, generals or provincial governors of Afghan and other previous Muslim Empires, and had used unrest to found kingdoms for themselves) a permanent obstacle to the establishment of an Empire of India. He determined that they must disappear and that their realms must come

under direct Mogul rule; and he relied on the moral and material support of Hindu rulers, obtained by a system of benign and liberal suzerainty, for assistance in the achievement of this purpose.

There is little to add to the account of the special features of the States in the Mogul period. Aurangzeb's reign saw the birth of the Maratha States. Before the emergence of Sivaji, the Maratha chiefs were hardly more than local notables. Sivaji marshalled them into a well-knit combination, with fortified bases, from which in spite of opposition he preyed on the neighbouring kingdom of Bijapur and exacted blackmail and revenue even from districts under direct Mogul protection and control. In A.D. 1665 the Emperor Aurangzeb decided to temporise and acknowledged his right to collect revenues from part of Bijapur. He followed up this *démarche* by calling Sivaji to Agra, ostensibly to confer recognition and honours upon him. Sivaji, accompanied by his son, came to Agra. Had Aurangzeb then taken the step of formally recognising him as a vassal prince, of giving him an honourable position at Court and using him as an auxiliary for his campaigns in the Deccan, Indian history might have taken a different course. The furrows ploughed by the Marathas in its fields might never have been turned over and the groups of Maratha States, now

in existence, might never have seen a seed time. At that time Sivaji was doubtful of his strength as measured against the Imperial force. Had Aurangzeb recognised him then as an important Prince of the Deccan and acted generously, Sivaji would probably have been contented and with his help and military capacity, Aurangzeb would have rapidly achieved the conquests of the Muslim kingdoms of Bijapur and Golconda and speedily added the whole Deccan to the Mogul Empire. But the fanatic Sunni Muslim Aurangzeb did not believe in alliances with Hindu infidels; and after a grudging grant to Sivaji of a titular rank at Court of a mere third-grade military commandantship, he imprisoned him and his son in a house, from which they later made good an escape to the Bombay Deccan. By A.D. 1674 Sivaji had become so strong and had put the internal administration of the Maharashtra on such a firm basis that he was able formally to assume the title of king at a durbar at Rajgarh. On his death in A.D. 1680 he left to his son a highly organised, well-administered and militarily powerful kingdom, extending beyond its former limits across the old Hindu Empire of Vijayanagar to Bellary in the Madras Presidency. Though this kingdom in this form was short-lived, it was soon revived in the régime of the Peshwa administration, under which many of the

military leaders of the Marathas carved out States for themselves, while they continued to work under the central influence of the Peshwa as a confederacy against non-Maratha powers. The Gaekwar family established itself in Gujarat, the Bhonslas in the Central Provinces, and the Holkars and Sindhias in Malwa. The Marathas were later to ravage the Mogul Empire up to the walls of Delhi and to penetrate the Mogul provinces of Orissa, Bihar and Bengal. They were to be a thorn in the side of the Western powers who had established settlements in India; and by adding to the general unrest in India by their constant incursions and invasions of neighbouring territory they not only hastened the collapse of the Mogul Empire, but forced the British authority to move outside the ring-fence of its pre-existing interests, which had been confined to coastal settlements and their immediate environment.

There is no need to dwell in detail on the disintegration of the Empire following on the death of Aurangzeb or on its causes. His successors were men of poor capacity. Intrigue and faction were rife at Delhi. In A.D. 1739 Nadir Shah, the Persian, raided and looted Delhi and annexed the trans-Indus province and Afghanistan. Between 1748 and 1754 an Afghan Durrani obtained the cession of the Punjab, of which the Sikhs later, after

throwing off the Mogul rule, made themselves masters. The Marathas would have permanently occupied Delhi but for their defeat at Panipat in 1761. A hundred years after Aurangzeb's death, the Emperor Shah Alam was taken under British protection, and though one of Timur's family sat on the throne of Delhi until 1857, the Emperors were Emperors in name only and were in fact mere pensioners of the British.

Meanwhile Mogul viceroys and provincial governors began to assume kingly powers in their satrapies. Military adventurers such as Haidar Ali, who wrested the Hindu kingdom of Mysore from its ruler, set up new States. The older States were left, so far as Mogul overlordship was concerned, in a position of growing individual independence and sovereignty: but they soon began to suffer severely from the general lawlessness and insecurity which pervaded India—the unceasing incursions of the Marathas, the warlike activities of the military adventurers eager to add fresh territory to newly acquired kingdoms, and the widespread marauding forays of the Pindari robber armies. They commenced more and more to turn their eyes towards the growing power of the British authority as a possible source of protection in distressful times against spoliation, dismemberment or annihilation.

CHAPTER IV

Treaties and Engagements made by the East India Company with Indian States

LEE-WARNER'S BOOK, *The Protected Princes of India*, begins with the sentence:

Not the least of the victories of peace achieved by the East India Company was its transfer to the Crown of Great Britain and Ireland of the honourable duty of maintaining and improving the network of alliances which it had already established with nearly seven hundred States of varying importance in the interior of the country.

The *Collection of Treaties, Engagements and Sanads* compiled by Sir Charles Aitchison gives a full account of the times and occasions at which each of these undertakings was entered into and reproduces the text of all the actual documents executed.

Many authors have dealt with the various tendencies—historical, legal or political—of which these engagements supply illustrations: but perhaps the most concentrated examination of these treaties from these aspects is to be found in Lee-Warner's book above referred to. It may be asked, how did the East India Company come to execute

treaties with foreign States? Usually this is a function of a sovereign State and is incidental to relations between one sovereign State and another.

The answer is that a Charter of Charles II, which in 1661 confirmed a Charter given in 1601 by Queen Elizabeth, empowered "the Governor and Company of Merchants of London trading into the East Indies" to make peace or war with "any Prince not Christian". This power was construed to involve a right of making treaties of peace and defensive alliances. In the early days of the Company, communications between London and India took a long time; and the urgency of events in India often obliged the Company to delegate the discretion vested in it to its chief agents on the spot in India. This treaty-making right continued to be exercised by the Company through its chief servants in India until 1773, when Parliament saw fit to control it to some extent by a Statute (13 Geo. III, cap. LXIII, section 9) requiring that the consent and approbation of the Governor-General and Council (in London) should first be obtained for negotiating or concluding any treaty except in such cases of imminent necessity, as would render it dangerous to postpone such treaties until the orders of the London authorities might arrive. Later, when there was a Governor-General in Calcutta (1774 onwards), the control

was reaffirmed in Statute by Parliament in a somewhat different form (33 Geo. III, cap. LIII, section 42). The Governor-General in Council in India was forbidden to declare war or enter into a treaty or guarantee, except in certain specific cases, without orders from the Court of Directors or Secret Committees in London; and the local Governments in India were forbidden, except in sudden emergency or imminent danger, to enter into any treaty whatever.

The treaty-making activities of the Company fall into two distinct periods. The first may be said to extend from 1757 after the victory of Plassey, when the territories around Calcutta were acquired by the Company, up to the close of the first Lord Minto's Governor-Generalship in 1813; and the second period runs from the latter date up to the assumption of the Government of India by the Crown after the Sepoy mutiny of 1857.

The first period, generally speaking, was marked by a desire to confine British interests to trading in and around the territories in which the British possessed settlements, and to avoid entanglement beyond the ring-fence of this limited liability. To this policy of non-interference the treaty-making career of Lord Wellesley (1798-1805) forms an exception; nevertheless, in spite of the latter's activity, by the end of the period the Company,

though often pressed to do so, had entered into no engagements with the States in nearly the whole of Rajputana, most of Central India, much of the Bombay tract and Sind, and the whole of the Punjab beyond the Sutlej. This fact is a powerful testimony to the strictness with which a succession of Presidency Governors and nine Governor-Generals had adhered to the policy of non-intervention and limitation of liability, and had eschewed the temptations of alliances or annexations. Lord Cornwallis in particular, both in his first term as Governor-General (1786 to 1793) and in his second brief period in 1805, although events had begun to shake the very foundations of the non-intervention policy, was a firm believer in abstention from intercourse with the Princes, in the hopes that the stronger units outside the British ring-fence would absorb the weaker units; and that out of this process would emerge a balance of power between settled States of size and importance, which would make for peaceful conditions.

Meanwhile, however, the march of events in India was leading up to an inevitable swing of the pendulum in the opposite direction, which took effect in the second period. The decline of Mogul authority, the Maratha invasions, the war with the French, and the intrigues of the latter in the States to the detriment of British interests, the ambitions

of the military adventurers of the Haidar Ali and Tipu type, Napoleon's dream of an expedition to India, Nepal's lust for accretions of Indian territory, Ranjit Singh's efforts to extend the domination secured by him in the trans-Sutlej Punjab into territories within British spheres of influence in the Cis-Sutlej, the Pindaris' marauding incursions and their use of weak States as a *pied-à-terre* for pillaging neighbouring countries—all these events forced upon British authorities the need of alliances to safeguard their own interests, to protect their friends, and to promote that pacification of the sub-continent, almost overwhelmed in a welter of unrest, without which trade, the Company's chief objective, could not be carried on. This involved a deviation from a policy of alliance with a few States within or adjoining the ring-fence of the Company's sphere of possession and interest, to a far-reaching inclusion of principalities in the interior of India in schemes of protection, in engagements for subordinate isolation, and finally in forms of partnership and union with what was becoming the paramount power in India. Without such steps the Union of India—of the India which we to-day call India and Indians speak of as India—or the *pax Britannica* would never have come about. There might have been Indias, but not an India: there might have been truces, periods of inaction

from hostilities owing to lassitude, but no lasting peace.

Sir Charles Metcalfe, Resident in Rajputana, wrote a letter in June 1816 explaining the attitude of the Rajputana Princes, which clearly sets out the strength of the arguments to which the British finally yielded. The passage runs:

They said that some power in India had always existed, to which peaceable States submitted and in return obtained protection against the invasions of upstart Chiefs and the armies of lawless banditti: that the British Government now occupied the place of that protecting power and was the natural guardian of weak States, which were continually exposed to cruelties and oppressions of robbers and plunderers owing to the refusal of the British Government to protect them.

It was nothing short of an accusation that the British authority had *de facto* occupied the place of the Imperial power, but had evaded shouldering the burden of its responsibility. It had become clear also from the narrower angle of view of the personal interests of the Company that the ring-fence of non-intervention could no longer prove an effective dam to stem the floods which were pouring in from a score of political Alsatias and threatening to submerge British possessions. It was necessary to tackle the floods at their source and canalise them into less destructive channels.

For a brief period this change of policy was carried even further, as for example when after 1841 the Directors instructed their servants in India "to persevere in the one clear and direct course of abandoning no just and honourable accession of territory or revenue". To this trend of policy historians attribute the addition to British-governed territory which characterised some periods of Company rule, e.g. the accretion of the Punjab and Sind by conquest, the inclusion of Satara, Nagpur and Jhansi by the application of the doctrine of lapse, and the taking over of Coorg and Oudh by exercising the old Mogul right of annexation of State territory suffering from gross maladministration. Dalhousie was the last Governor-General to apply the doctrine of lapse; and since the assumption of the Government of India by the Crown there have been no annexations of State territory, and panaceas other than absorption into direct rule have been employed to cure cases of gross maladministration.

It has been stated that, in the first period, the Company tried to confine its activities to trading in and around its own settlements; and such engagements as were entered into with States were coloured by this limitation. It is interesting to note as an illustration of this restricted objective that two of the earliest treaties made by the Company

were with maritime States and were directed to the suppression of piracy in the vicinity of the trading station of Bombay. The first was made in January 1730 with the Sardesai of Sawantwari and was an offensive and defensive alliance against "the Pirate, Angria". The second, concluded in December 1733, was with the ruler of Janjira and was a general alliance specially directed against piracy.

There was a gradual change in the tone of treaties and engagements as between the first and second periods. In the first period the British authorities dealt with the States on a footing of at least nominal political equality. In the second period the note changes to one of Imperial political supremacy. It may be observed that in the latter period many States were clamouring for British protection and that the grant of protection, so eagerly sought, involved the British authority in far-flung, costly, and often dangerous commitments. It was reasonable in the circumstances for that authority to insist, in return, on conditions likely to minimise these unwelcome reactions and to strengthen the unity of the array set up by the protecting British authority against the forces of disorder. Lee-Warner has made an interesting comparison, article by article, of the treaty negotiated with Alwar in Rajputana in 1803 in the first

period—a reward for the co-operation of that State with Lord Lake in the Maratha War—and the treaty negotiated with Udaipur (Mewar), the premier Rajput State, in 1818 in the second period.

The first treaty speaks of the establishment of permanent friendship, recites that the friends and enemies of one party shall be the friends and enemies of the other, gives a guarantee against interference or demand for tribute, states the agreement of the ruler to help the Company in case of attack, promises that if the ruler has a dispute with any other chief the Company will use its best endeavours to settle it, and engages that if no amicable settlement emerges the ruler may demand active assistance from the Company's Government. Here there is no suggestion of protection and isolation except in vague terms. In the case of Udaipur, however, the language is downright, as the following clauses show:

The British Government engages to protect the Principality and territory of Udaipur.

The Mahrana will always act in subordinate co-operation with the British Government and will not have any connection with other Chiefs or States.

Negotiation with other States without the prior sanction of the British Government is

forbidden in the clearest of terms: and finally if the clause

the troops of Udaipur shall be furnished according to its means at the requisition of the British Government

sounds peremptory, the last clause of all

the Mahrana shall always be absolute ruler of his own country and the British jurisdiction shall not be introduced into that Principality

must have seemed to the ruler satisfactorily unequivocal.

If there was a change in tone from the reciprocity and *primus inter pares* attitude of the earlier treaties, there were also, as time went on, no less striking changes in the substance of treaties. Treaties began to contain new matter and to cover wider fields. From the first, general expressions regarding mutual assistance were common features of defensive alliances; but later this general obligation was in some cases particularised in the form of promises by the British Government to keep a definite body of troops ready to protect a particular State. The treaty with Hyderabad in November 1766, for example, contained the words

to have a body of their troops ready to settle the affairs of His Highness' Government in everything that is right and proper;

and an example of a similar obligation by States is afforded by Sindhia's undertaking in 1817 to furnish a contingent of 5000 horse to act in concert with the British in the Pindari War. Later the changes in the general situation directed attention to the large standing armies maintained by some States, necessary in the past days of war, but in times of greater peace constituting both a menace to the ruler concerned and to neighbouring protected States, and an anxiety to the protecting power. This was especially the case in some of the Maratha States and in the Punjab after Ranjit Singh's death; and it led to the introduction of clauses into engagements on the lines of limiting troops in a protected State to a figure suitable to the maintenance of the dignity of the ruler, the enforcement of internal security in the State, and the requirements of any special engagements with the British Government. The treaty made with Gwalior in 1844 contains clauses illustrating such provisions; and the same objective was attained without written engagement, by verbal agreement with a large number of States, and is now the accepted practice.

In many treaties there is a clause guaranteeing the States against interference in internal administration; and only a few States conceded this right in special circumstances in their engagements with

the British Government; but as a matter of fact, even where the concession had not been specifically made, in the interests of the general welfare the Company did from time to time interfere to regulate disputed successions, to prevent dismemberment of States, to suppress rebellion against a lawful sovereign, to check gross misrule, to stop inhuman practices, and to secure religious toleration. Instances, where power of interference with internal administration is included in treaties, are not common; but the following cases are of interest. In the Satara treaty of 1819 the following words occur:

The Raja will ultimately have the entire management of the country. . . he will, however, at all times attend to the advice which the Political officer may offer to him for the good of the State and the maintenance of general tranquility.

The Suket Sanad of 1846 contains a clause prohibiting the Raja from alienating any portion of the State territory.

When Lord William Bentinck abolished suttee in British India, it continued to linger on as a custom in some Indian States; and in subsequent treaties with States, successful efforts were made to persuade rulers to put an end to it. In 1835 the Ahmednagar Chief (Mahikanta) entered into the agreement that "from this time forward neither

I nor my children nor my posterity will perform the ceremony of suttee". Some engagements of the same kind were made in regard to female infanticide (e.g. the 1819 engagement with the Rao of Cutch) and to the suppression of the traffic in slaves and the burning of lepers.

Generally speaking it was a fixed point of policy with the Company at all times to abstain from interference in the internal affairs of a protected State, and every effort was made not to be deflected from this course; but the difficulties to which this un-deviating adherence to internal non-intervention gave rise often placed the British authority on the horns of a dilemma and led to the adoption of other measures open to criticisms and imputations of a different kind. On all grounds the Company could scarcely contemplate that within the façade of the union of protected States which it had arrayed against the forces of disorder in India, rule in protected States should become synonymous with gross misrule. Events in Coorg provided a case in point. There were two successive rulers in the State of Coorg who out-domitianed Domitian. Finally, a long list of unspeakable cruelties, tyrannies, and murders was capped by the murder of a British emissary sent to remonstrate with the ruler. War was declared on the State by the British authority, the Raja was deposed, and the State

annexed and brought under direct British rule in perpetuity. This was a result of working the non-intervention horse too hard. Lee-Warner's comments on actions of this kind are:

If the scrupulous avoidance of interference in the internal affairs of a multitude of isolated principalities was to remain an essential factor of the political system, then annexation was a necessary corrective.

Later, under the Crown, annexation became anathema, and interference in other forms, though still unpalatable, a preferable alternative. It was a change in technique of the same nature as has taken place in dealing with failures of British commanders in battle. Time was, when an admiral was executed "*pour encourager les autres*". Now the "*Stellenbosch*" is considered the appropriate mark of censure.

Of the nuances both as regards tone and substance through which treaty-making with the States passed during the years of the East India Company's administration enough has perhaps been said to give a clear picture of the origin, growth, and character of those relations.

At the end of the period a large body of Princes and States emerged, severally morticed in union with the British power, protected from foreign aggression, safeguarded against attacks by their neighbours, secure in the promise of continuation

and survival of dynasty and of integrity of entity and institutions of State, widely guaranteed against interference in internal administration, free to develop individually according to their own idiosyncrasies and to keep or adopt the laws, customs and ways of belief which seemed good to them. If there had been sacrifices by the States to attain these results, they had not amounted to more than a relinquishment of freedom of initiative in foreign affairs, which few of the States had ever really possessed, and of right to negotiate and combine with other States in India, previously only intermittently exercised. With new privileges they had, however, explicitly or implicitly, undertaken new obligations—the obligation of loyalty to the Crown of Great Britain and Ireland, the responsibility in war to take a part in the common defence of the realm, and the acceptance, in the common weal, of certain modifications, whether embodied in treaty or springing from usage and practice, in the fullness of their internal sovereignty.

Perhaps the old Presidency Governors and Governor-Generals survey the Indian scene from some Valhalla and form their own conclusions. Looking back on their contribution to the present, one inclines to think that during the long era of Company administration they not only had more than a normal share of those problems which

attend all human rule in every age or place, but were also confronted with special difficulties which the circumstances of the time invested with a most formidable character. To their solution they brought toil, courage, patience, deep counsel, and unfaltering resolution; but it would have been strange if no errors had occurred and no abuses had been proved from time to time in their handling of them. Be that as it may, however different the methods they applied at different stages, some golden thread persistently ran through their weaving of relations with the States; and the happy result has been internal peace in India, unruffled for more than eighty years, and a union of divergent elements in an image of a nationalism, to which no previous era of its history can offer any parallel.

CHAPTER V

The States after 1858—Queen Victoria's Proclamation—New Subject-Matter of Engagements—Paramountcy and Political Practice—Fidelity to Obligation—The All-India Aspect

QUEEN VICTORIA'S Proclamation in 1858 is often referred to as the assumption of the Government of India by the Crown. The Sovereign had, however, always been the ultimate authority in whom that responsibility vested and the change in substance was the determination of the Company as the administering agency and the substitution therefor of an agency in India under a Secretary of State in England responsible to the British Parliament. Two passages in the Proclamation gave particular satisfaction to the Princes. The first related to the promise by the Queen scrupulously to maintain the treaties and engagements concluded by the Company with the States. The second welcome clause had a less obvious implication. In appointing Lord Canning as Governor-General the Queen used the phrase "Our first Viceroy and Governor-General". The intention was to distinguish him from previous Governor-Generals

under the Company; but the Princes have sought to interpret the phrase as creating some new nexus which places them in a close and particular relation with the Crown—an impression that has perhaps been fortified by the fact that the Viceroy has always himself held the Foreign and Political portfolio of the Government of India.

The Sanads recognising rights of adoption of successors which began to be issued after the Proclamation of 1858 were also a source of satisfaction. They appeared once for all to abolish any apprehension of recourse to the doctrine of lapse, last employed by Dalhousie and particularly distasteful to Indian Princes.

If no great change took place, upon the assumption of the Government of India by the Crown, in the relations with the States, that fact was of itself of special importance. There was opportunity at the time of Queen Victoria's Proclamation—a period when history, as it were, paused and took breath for another flight—to adopt and pursue some entirely fresh policy as regards relations between the British authority in India and the States; but the binding of the Crown (in the Proclamation) to respect the treaties executed with the States, and to preserve the rights and privileges of their Princes, was a deliberate recognition at that time by responsible British statesmanship that the

type of connection forged in the Company era between the British authority and the States had been a significant factor in the consolidation of the British position in India and the pacification of the country, and that in the preservation of the States, and of the form of union which had been established with them, lay the best hopes of the peaceful development of civilised administration for the future. At that time the States were the oldest and most prominent indigenous institution in India. That reliance could be placed on their fidelity to alliances had recently been demonstrated once more by their steadfastness in the year of the Sepoy mutiny; and the regard in which they were held in Indian opinion could be gauged by the reactions of that steadfastness on the people of India, which bore fruit in the abstention of the populace generally from the lawlessness and excesses promoted by the mutinous forces. The Crown era would have started inauspiciously indeed if its policy had shown any ingratitude for past obligation, or lack of appreciation for the value of the States as an entity in India.

It is not proposed to examine in detail the engagements concluded with States during this period. Naturally, fundamentals, such as general relations and obligations in foreign and defence policies, receded into the background because

they had already formed the chief subject of the treaties entered into during the period of Company administration. The new engagements or negotiations were concerned mainly with the development of the resources of India and the modernisation of the machinery of the administration. Questions regarding currency, the launching of public loans, customs, excises, railways, post and telegraph and telephone services, rights in sources of irrigation, mineral resources, public works, cantonments, extradition, extra-territorial jurisdiction in special cases, reciprocity in the execution of the decrees of civil courts, and so forth, assumed importance. In many of these matters unification of development policy as between British India and the States was secured either by the execution of formal documents or by informal exchanges of assurances. Most States were quick to appreciate what they had to gain by joining in common systems designed to benefit the whole of India and secure uniform efficiency and expedition—as for example in post, telegraph, and telephone arrangements; and once their independence was duly recognised by prior consultation on such questions, they were ready enough to signify their acceptance. Some States, however, either from considerations of the preservation of *amour propre* or because their individual systems had proved lucrative or convenient,

preferred to stand out of such general agreements. Notable examples of the latter action are to be found in the retention by the Hyderabad State of the power of minting its own rupees and making its own currency and exchange arrangements, and in somewhat similar reservations in the case of Cutch. Hyderabad also continued to issue its own postage stamps for use in the internal postal arrangements in the State. Some difficulties arose where the British Government possessed a practical monopoly of the large-scale production of a particular article in British India, as for example salt. Some States desired to maintain their rights to mine salt or manufacture salt by evaporation, and demurred at proposals to enter into a joint project on a compensation basis with British India, or even to lease their facilities, so as to give British authority unity of control and administration. Opium also presented difficulties. Poppy growing and opium manufacture were strictly controlled in British India; and as time went on, the British authorities pursued a policy designed gradually to restrict internal consumption of opium and to shut down production for export to other countries altogether—a policy which later received great stimulus from resolutions and agreements emanating from the League of Nations. The opium-producing States in India, particularly the Malwa

States, which made a considerable income from licenses to grow poppy, and received direct and indirect benefits in their revenue returns from the wealth obtained by the sale of Malwa opium, were naturally slow to consent to depart from a policy that had for a long time formed a most important feature of their economic arrangements. Matters of this kind had to form the subject of separate negotiation with each of the numerous States, and this fact acted as a somewhat irritating brake on the wheels of the progress of administrative development in British India; but no new method could be devised if the policy of the individual isolation of States was to be maintained, or if the respect for treaties and engagements promised in the Royal Proclamation of Queen Victoria was to be implemented. Moreover, the Princes and their States had by now reached a stage where individual isolation, so far from being resented as a burdensome restriction on the action of States, was treasured as enhancing the position of each individual ruler and State and as laying a proper emphasis on their situation of quasi-independence; and any different procedure, such as an attempt to secure the collective agreement of a number of States, would have been regarded with suspicion as an attempt to infringe privilege and treaty rights.

Naturally the negotiations of the British Government relating to such questions, though ordinarily amicable, occasionally produced friction; and the British authority was never on very firm ground in pressing compliance with its suggestions, as the earlier treaties with the States, besides being precise and jejune in wording and restricted in scope, were often concluded at a time when the subject-matter of the new demand, such as telegraphy and rail transport, had not come into existence. The British authority was constantly in the position of seeking agreement to something for which treaties did not provide.

If there was occasional friction over questions of this kind, which were of importance to both parties, conflicts of opinion also arose over matters which were, from the point of view of British India, administratively unimportant, but to which the Princes attached the greatest weight. Broadly speaking, these affairs all had some relation either to possible encroachments by Indian Princes on the Royal Prerogative, or to departures by the British authorities from alleged fixed precedents in ceremonial. In the first class fell such matters as whether, with the King as sole fountain of honour, a ruling Prince could properly found orders of chivalry in his State bearing resemblance to those established under the British Crown; whether he

could designate his children by the titles of Prince and Princess; whether he could use the "closed crown" on his State or personal seal and so forth. Ceremonial admittedly varied in some respects from State to State; but the tendency of the Princes was constantly to try to make it more elaborate and exacting and that of the British authorities to restrict it, if not to a uniform system, at least to a reasonable scale. The more important aspects of ceremonial centred round questions of the manner in which a succession to a princely throne was to be recognised, how the attainment of full ruling powers by a minor was to be signalled and publicly celebrated, and what should be the participation of the British representative in these events. The ruler was always active in trying to mould a position parallel at every point with that of a sovereign king, while the British authority was concerned that the essence of the relation of the British Crown to the subordinate ruler of a quasi-sovereign State should neither be compromised nor ignored. These discussions with various States at one time or another had acute stages, when each side felt that, if it gave an inch, a yard would be taken; but as a result of the deliberations of the Chamber of Princes an agreed procedure has now been evolved which covers the more important points.

After a time it became generally apparent that, although the period of concluding treaties of importance had come to an end, political practices and the interpretation of treaties were increasingly to engage the attention of the Indian rulers and the British authority. In particular the doctrine of paramountcy, which in very general terms may be said to be the taking of action by the British authority for the common weal in a direction not specifically covered by treaty or engagement, and the formulation of policy by reading treaties as a whole and taking usage and sufferance also into consideration, began to exercise the minds of the Princes and their advisers and to arouse their criticism in particular instances.

Perhaps one example of the kind of case, which lay outside the precise limit of treaty right and engagements, will suffice to give an indication of the class of cases in general. The question of loans from one State to another began to crop up. The larger and richer States were often in a position to employ surplus revenue advantageously in making loans to smaller and less affluent States or rulers, and in many cases there was no apparent objection to a loan transaction of this nature; but there were some cases where a spendthrift ruler sought such loans from another State without sufficient reason, and for an unjustifiable purpose, and was wholly

indifferent to the burden of debt which he created to the detriment of the future financial welfare of his State or the administrative scope of his successors on the throne. Obviously in such cases the question might arise whether the action was part of a general course of misrule which demanded the attention of the British authority. Moreover, if large and rich States made such loans the result in some cases was to bring about a practical dependency of the debtor State on the creditor State and so to offend against the general principle of isolation of State from State, which had been a corner-stone of the policy of the British authority in dealing with the States. This principle was specifically mentioned in the treaties of some States, but not in all the treaties with every State; but it was not unreasonable to deduce that, reading the body of treaties as a whole and considering the usage in a number of cases, the British authority had always intended that this principle should permeate policy and political practice in dealing with all States. From the point of view of the British political authorities it was obviously desirable that they should be apprised of contemplated loan transactions of this kind before they were concluded: it was not straining the position unduly to request to be supplied with the information; but when the matter was taken a step further, the question arose whether it was properly within

their discretion to require their previous assent to such transactions or whether they were bound merely to confine themselves to diplomatic efforts at dissuasion in cases where the loan appeared undesirable. From the point of view of some of the States any step beyond the latter alternative was an act of unwarranted interference in the internal affairs of the State and an infringement of treaty right. From the angle of view of the British authorities, on the other hand, it might be argued that the former alternative, in the special circumstances of the case, lay well within the field of the operation of paramountcy.

It should not be thought that there was anything new, during the period of the Government of the Crown, in these questions of the principles of paramountcy and political practice. Professor Dodwell points out in *The Cambridge History of India* that they had emerged in Company times:

Besides the rights created by treaties in the Company, there had arisen under no sanction but that of superior power on the one hand and reluctant acquiescence on the other, a body of precedents relating to succession and interference in internal administration. Together these constituted the Company's paramountcy, undefined and undefinable, but always tending to expand under the strong pressure of circumstances.

Some writers, such as William Roy Smith (in *Nationalism and Reform in India*), seem, however, to

consider that in the period succeeding Company administration the principle has been carried much further than in Company days, and that the body of political rules tends to grow with every new encroachment on the rights claimed by the Princes; and he feels that there is little hesitation in violating treaties when moral considerations seem to make it desirable. He admits, however, that a liberal reaction set in after the close of Lord Curzon's term as Viceroy and that it has influenced the policy of the British authorities ever since, though without affecting its foundations.

Lord Curzon must have offered a perplexing problem to the Princes. To one side of his mind the antiquity, the past history and the pageantry of the Indian States made a powerful appeal. He treated the rulers outwardly with the greatest consideration and with the fullest regard for what was due to their position and dignity. He made them almost the central figure of the Great Durbar held at Delhi on the accession of Edward VII; and in many ways and by many acts he gratified to the full their *amour propre*. But on another side of his mind the more backward States, with their intense conservatism, their limited ideas regarding provision for the education, health, and other amenities of their subjects or for the developments of the resources of their countries, and the

slowness and inefficiency of their administrative machinery, acted as a bitter and powerful irritant; and he saw in some of these rulers and their laggard régimes a perpetual drag on that fulfilment of the moral and material welfare of India of which he dreamed, on which he had set his heart and to which he devoted all his dynamic energies. All this tended to efforts at regimentation and diplomatic spurring, in small things and great, which came near at times to undue interference; but there was a swing of the pendulum under his successor Lord Minto to the other quarter, in which it still remains. William Roy Smith sums up the difficulties of dealing with the backward State in this whole period by the observation "there has been enough interference nearly everywhere to arouse the hostility of the Princes without winning the gratitude of their subjects"—an interesting comment from a neutral observer (Mr Smith was a citizen of the U.S.A.).

Gross misrule requires a special mention, for it must be carefully distinguished from lack of administrative efficiency or isolated acts of apparent injustice and inexpediency. It has been generally accepted that gross misrule bears a totally different aspect from other occurrences, however regrettable, in the internal administration of States, interference with which could be construed to

amount to interference in the ordinary internal administration of a State; and this view has always been held even by those who were the firmest advocates of strict recognition of internal Sovereignty. For example, in the Company period Sir John Malcolm (1830) was reckoned a staunch supporter of the doctrine of non-intervention and signed a considerable number of treaties containing definite clauses guaranteeing non-interference in the internal affairs of States. In the treaty of Mandasor with Holkar he introduced the far-reaching term "Concern" in a clause reciting that the British authority would have no concern with the internal administration and affairs of the State of Indore; but in a minute recorded by him at the same time it was evident that there were reservations even in his mind to the limits to be set to unconcern. He wrote:

We must alike avoid the minute and vexatious interference which lessens their [i.e. the rulers'] power and ability and that more baneful course, which, satisfied with their fulfilling the general conditions of their alliance, gives a blind support to their authority however ruinous its measures to the prosperity of the country and the happiness of its inhabitants.

In 1860 Lord Canning—a most confident advocate of maintaining the rights and privileges of the

Native States—wrote in his minute on the Canning adoption Sanads:

The proposed measure will not debar the Government of India from stepping in to set right such serious abuses in a native Government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a native State when there shall be sufficient reason to do so. This has long been our practice.

Whatever treaties might say or refrain from saying, both the Princes and the British Government took the view that under certain well-understood, but not defined, conditions the British had a right of interference, and that the Princes and States were under obligation to the paramount power to conduct their administrations so as to render such intervention unnecessary.

Gross misrule, during the administration of the Company, as has been noted already, had in some cases resulted in the annexation of a State, the deposition of its ruler and the extinction of his dynasty as a ruling house, as for example in Oudh and Coorg. During the Crown period, the Princes remained deeply interested observers of the interpretation which would be placed on the constituents of gross misrule and the action which the paramount power would take in such situations.

The first case of importance which occurred was that of Malhar Rao, who succeeded his brother as Gaekwar of Baroda in 1870. In the brief period of three years after he came to the throne his misrule produced widespread disorganisation and confusion in the State; and in 1873 a Commission was appointed to enquire into the facts of the situation. As a result of the report of the Commission, the ruler was warned that he must mend his ways and carry out certain reforms; otherwise he would be deprived of his authority. He did not take the warning to heart; and three years later he was deposed from the Sovereignty of Baroda on the grounds of notorious misconduct, gross mismanagement of the State, and incapacity to carry the suggested reforms into effect. A son, adopted by the Mahrani, was placed on the throne. No modification of the treaties with Baroda was made and no fresh conditions of protection or recognition were imposed on the new ruler. Annexation was not even considered, and there was no suggestion of a regrant, upon new and more stringent terms, as in a Mysore case.

The treatment of this case was reassuring to the Princes as evidence of a new technique, by the application of which, however grievous the cause of action had been, the continuity of the State or the dynastic position of the ruling family was never

placed in jeopardy, and the episode was not employed to forge any new restrictions on the rights and privileges previously enjoyed by the State and its rulers.

There have been other cases during the period where the tyrannical acts of a ruler, or gross and general maladministration, have ended, after due enquiry, in the abdication or deposition of a ruler. For example the Maharaja Holkar of Indore in 1926 was involved in a murder committed in British India and abdicated; and the Raja of Nabha (1925) violently trespassed on the rights of his neighbour, the Maharaja of Patiala, and imprisoned and harassed his subjects, and after a judicial enquiry was deposed. In each of these cases the son succeeded and no alteration took place in the relations of the Government of India and the State and its rulers. Other less heinous cases were met by rigid supervision by the Resident or Political Agent during a term while needed reforms were set on foot, or by the loan of an official to act as a Minister in order to rehabilitate branches of the administration which had been maladministered. As an outcome of discussions with the Chamber of Princes a procedure has now been evolved by which, in cases likely to involve some curtailment of a ruler's powers or more serious results, the Government of India can seek the assistance of a

panel of Ruling Princes in hearing the case and formulating conclusions on the facts. A tribunal of this nature was offered to the ruler in the Indore case, above referred to, but the ruler preferred voluntary abdication.

Before leaving this subject, it is of interest to quote a reference by Lord Curzon to abdications and depositions. In the eighth chapter of his *Leaves from a Viceroy's Notebook*, with reference to an abdication of a Maharaja, he writes as follows:

The relations between the Viceroy and Ruling Princes of India, based partly on treaty, partly on long usage, partly on considerations of high expediency and honour, are among the most agreeable, but also the most anxious, of his responsibilities. In modern times the standards of administrative efficiency in the Native States have greatly improved and many of them are ruled over by men who do honour to their exalted order. But in the last resort, in cases of flagrant misdemeanour or crime, the Viceroy retains on behalf of the Paramount Power the inalienable prerogative of deposition, though it is only with extreme reluctance and after the fullest enquiry and consultation with the Secretary of State that he would decide to exercise it.

This no doubt represents the angle of view from which the great proconsul regarded such affairs: he had to deal with three such incidents; but the view that he acted as Viceroy exercising a prerogative of the paramount power, and that he

could assign to the Secretary of State the comparatively unimportant role of somebody to be consulted, does not fit in with the constitutional position that action in such a case would be taken by the Governor-General in Council, not the Viceroy, and that the Secretary of State would be responsible to Parliament for a serious step of the nature of deposition.

The question of the channel of agency between the States on the one hand and the Supreme Government in India (represented by the Governor-General in Council) on the other assumed importance during this period. Some of the more important States (e.g. Hyderabad and Mysore and others) were and had always been in direct relations with the Governor-General in Council through a Resident accredited to the State. Many other States, e.g. the Rajputana and Central India States, were in relations with the Governor-General in Council through an Agent to the Governor-General, who in turn co-ordinated the work of a number of political agents in his area accredited to particular States or groups of States. The officers in both these cases were officers of the Foreign and Political Department of the Government of India specially trained for diplomatic work in the States.

A third method of agency, however, was in operation where States lay within the geographical

orbit of a Province in British India; and in that case the relations of the States with the Government of India were conducted through the agency of the Provincial Government concerned. This method was employed in the case of a large number of States geographically included in the boundaries of Madras, Bombay, the Punjab, Bengal, the United Provinces, and the Central Provinces. This system was no doubt based on its apparent convenience and displayed some economies in cost as compared with the two former. The States comprised in the third system, however, soon began to raise objections to the employment of a Provincial agency. Though it was true that, at the time the objection began to arise, the Government of India was central and absolute in authority and the Provincial Governments were subordinate to it and bureaucratic in composition, and that theoretical objections appeared weak, the feeling in the States on the subject began to harden. In the first place the rulers conceived the idea that the systems of direct relations with the Governor-General in Council through a Government of India agency composed of a Resident or an Agent to the Governor-General implied some superiority in status and importance for the States that enjoyed this position. In the second place it was alleged that the officials of the Residency or Agency system

handled the businesses of the States with a fuller sympathy and knowledge of the requirements and position of the States than was possible on the part of the officials in the secretariat of a Provincial Government, who had not been trained as specialists in Indian State affairs; and thirdly—the most serious of the objections—rulers began to express doubts as to the fairness of a system, in which a Provincial Government, in cases involving some aspect of concern to a Provincial interest, might be tempted to colour its comments on a representation made by a State with some of the tints of the Provincial attitude to the subject in question. The objections became accentuated about the time of the publication of the Montagu-Chelmsford Report, the authors of which recommended the abolition of the third channel of Agency altogether. When Provincial Governments changed their character after the passing of the Government of India Act of 1919, this suggestion became the obvious step to take; and now the political relations of all States are with the Political Department of the Governor-General in Council, the portfolio of which is held by the Viceroy and Governor-General, through the medium either of Residents or of Agents to the Governor-General co-ordinating the work of political agents in their areas who are accredited to particular States or

groups of States; and all State business is handled by officers of the Foreign and Political Department of the Government of India, who are, so to speak, professional diplomats. The change has pleased the States; and though it has entailed a considerable increase in "political" expenditure from Central revenues on additional agencies and establishments, it has in the long run no doubt strengthened the facilities for dealing with the problems of the position of the States in the Federal milieu, which have engaged much attention since 1935.

There was a convention, accepted by both sides, which implied "hands off" British Indian affairs by the States, with a corresponding obligation of the Government of India to see that neither Provincial Governments nor persons and parties in British India interfered with the concerns of the States. So far as the latter are concerned, their side of the obligation has been most scrupulously and faithfully observed. There have been occasions when politicians and parties in British India have urged the States or their rulers to take part in some agitation or join in exerting pressure on the Government of India in connection with some movement in British India; but the Princes have invariably declined to dance to such piping, even though in some cases their refusal was bound to be misrepresented in the press and on the platform

as unorthodox and unpatriotic. There are two interesting instances. Gangadhar Tilak, the stormy petrel of Indian Nationalist extremism and the apostle of political violence and revolution, at a certain stage of his activities concentrated on trying to excite intense Hindu national fervour in the Maharashtra, and established (about 1889) a cult of Sivaji (the Maratha leader) which took the form of Sivaji festivals and fairs in the Maratha country. These had a dual purpose. The first was to inflame Hindu national feeling against foreign rule generally by speeches and ballads stressing Sivaji's defiance of Aurangzeb, which proved a factor in the decline of the Mogul Empire, and the subsequent opposition of the Marathas to the penetration of Western powers in India; and the second was to exalt political murder, exemplified by Sivaji's murder of Afzal Khan, a Muslim general, during a truce, as an act for which full justification was to be found in the *Mahabharat*.

There is no doubt that some Maratha Ruling Princes were secretly approached to take an interest in this cult of Sivaji, with whom they had historical ties, and that national, political, and religious kudos of a kind was theirs for the asking if they consented; but they firmly stood aside, though they were later subjected to bitter attacks in Tilak's press. The second notable occasion was

in 1921, and concerned the Sikh Princes in the Punjab. There had been much dissatisfaction among Sikhs in the Punjab regarding the management of the Sikh shrines (Gurdwaras) by the Hindu priests (Mahants), which culminated in general agitation for reform. Setting aside the remedies provided by the Civil Courts, and repudiating the special laws passed by the Punjab Legislature to remove Gurdwara abuses, the Sikh Akali party embarked on a policy of direct action for mass occupation of the shrines and eviction of the Mahants. This policy secured some general sympathy among Sikhs in the States and in British territory who were genuinely interested in the religious side of Gurdwara reform; but it also had a bad side to it, as it was eagerly taken up by the revolutionary Ghadr Sikh party as a means of inflaming and combining Sikh feeling against the rule of the Punjab Government and British authority in India. The Sikh rulers, particularly the Maharaja of Patiala, who had been regarded as the leading figures in Sikh orthodoxy, were pressed to take an active part in the movement. They and their subjects had a direct interest in the Great Gurdwaras in British territory, and any activity on their part in pressing for reform would have had some obvious justification; but on general principles, and in particular in view of the

unlawful acts committed in the course of the agitation by the Akalis and the seditious bias which the Ghadr party introduced into Akali action, they were careful to abstain from taking a share in the movement. This decision involved them later in trouble with the Akalis both inside and outside their States, which was particularly persistent in the case of the late Maharaja of Patiala and lasted until his death.

On the other side the Government of India was always careful to be a strict and just arbiter in disputes between the Provincial Governments and the States and to curb any unwarranted *démarche* by the former in the concerns of the latter. The Government of India and the Provincial Governments were equally active, though not always with entire success, in restraining persons and parties from public actions in British India directed against the rulers of States and their administrations. This policy occasionally landed the Government of India in serious difficulties. For example, the press law in British India went through various phases at various times. It was tightened up at times of acute seditious agitation and again relaxed at some later stage owing to pressure by liberal British Indian politicians; but it usually included (i.e. in 1891 and 1910) some clauses for the protection of the Princes and their Governments against attack.

During one of these waves of mitigating or repealing so-called "repressive" legislation, the Press Act of 1910 was repealed, and the position of the Princes had to be safeguarded by a separate enactment. In 1922 a bill was introduced into the Legislative Assembly "to prevent the dissemination by means of books, newspapers and other documents of matter calculated to bring into hatred and contempt or to excite disaffection against Princes and Chiefs in India or the Government or administration established in such States". An excited legislature, however, refused leave to introduce this bill by a majority of four votes. Lord Reading was obliged to have recourse to his powers of certification under Section 67B of the Government of India Act of 1919. This bill subsequently received the approval of the Crown and is still in force. It was the first occasion upon which the Governor-General had to use his special powers of certification under the Act. It is a distasteful step, always reluctantly taken, which invariably attracts criticism and political attack; and it is noteworthy that it was used to carry out an obligation under treaty and political usage to the States.

Another instance was afforded by the Muslim versus Hindu disturbances in Kashmir in 1931. The Muslims in the Kashmir Valley had grievances against the administration of the Maharaja of

Jammu and Kashmir, who was a Hindu, and many of whose officials were Kashmiri Brahmins or Hindus from Jammu State. These grievances reached a boiling point in 1931 and there were some demonstrations and riots at Srinagar and elsewhere. These matters might have been adjusted by suitable action within the State itself if it had not been for the interference of the Ahrar party in the Punjab. The leaders of the latter were Muslims who had been associated for some years with the Congress party. Owing to disputes with the latter, they severed themselves from Congress and tried to return to political life in the Punjab; but the Punjab Muslims considered them to be tarred with the brush of their late Hindu associates in Congress and refused to find room for them in Punjab parties. They then busied themselves in a party of their own in trying to demonstrate their pro-Islamic zeal and by this means to attract attention and Muslim adherents. They seized upon the Kashmir episode as suitable to their purpose. They despatched agitators to Kashmir to fan the anti-State activity of the Kashmiri Muslims and prolong their agitation, and they conducted a widespread campaign of inflammatory preaching to the Muslims of the Punjab that it was an Islamic duty of Punjab Muslims to help their Muslim brethren in Kashmir to free themselves from the alleged infidel

oppression of their Hindu Maharaja and his Hindu officials. Punjab Muslims were invited to proceed to Kashmir in small bodies and join the Kashmir Muslims in their demonstrations and processions; and numbers of small bands of misguided Punjab Muslims began to stream across the long land frontier between the Punjab and Kashmir. Though the State authorities could arrest and deal with these unwelcome immigrants inside State territory, their police and troops were already fully occupied with the internal disturbances in the State; and the Maharaja naturally looked to the Punjab Government and the Government of India to take steps to prevent these pilgrims from proceeding into his territory. The Punjab Government were prepared to help, but found the Courts did not hold that either the preventive provisions of the criminal procedure code or the substantive law contained in the Indian Penal Code applied to the conduct of these pilgrims. The Governor-General was moved by the Punjab Government to issue an Ordinance (emergency legislation), under his special powers, to enable the latter to deal with the situation. This measure had the desired effect and provides another instance in which the Governor-General put his special powers into operation in order to carry out an obligation to a State.

Towards the close of the fourth chapter re-

ference was made to the commitments which the rulers and States undertook upon their union with the British power in India. Some of these have been alluded to in the present chapter; but two remain, the development of which during this period merits special examination—loyalty to the Crown, and the liability in war to take part in the common defence of the realm. As regards the former, perhaps the most remarkable, the most deeply ingrained, and the most widely shared characteristic of the Indian Princes is their intense loyalty to the person and throne of the Sovereign. It has never been in doubt during the whole of the Crown period; but as the years go on, it has achieved a solidarity which, as far as can be foreseen, no catastrophe, however great, is likely to threaten or shake. The tradition had its birth, no doubt, in the great and sustained interest which Queen Victoria took in the Ruling Princes and their families and the attention and courtesies which she so constantly showed towards them during their visits to this country. This personal touch profoundly impressed the Princes and evoked an immediate and permanent grateful response. The tradition of Queen Victoria has been carried on by successive Sovereigns. It has been cemented by the visits of heirs to the throne to the Indian Princes in the ancestral dignity of their

homes during the course of their tours in India; and it was brought to a head by the Durbar of 1911, when King George V and Queen Mary received the homage of India at Delhi on their accession, and the Ruling Princes took a leading part in the memorable ceremonials. The Princes are always anxious to stress and strengthen the ties which bind them as Sovereigns to the King Emperor, the Sovereign in Chief. When H.R.H. the Duke of Connaught opened the Chamber of Princes at Delhi, the late Maharaja of Alwar, who was one of the speakers, was thought by the Princes to have sounded a true note when he began his speech with the words "Hail, scion of the House of Windsor": the houses were calling to the House. The depth of the loyal feeling of the Princes is now an immutable fact, which has to be reckoned with. The strength and place of sentiment in India is hardly appreciated at its true value in England, and is often undervalued even in India by the Indian politician; but this sentiment in the case of the Princes has had a tangible result in the fact that the cry for an independent India, so often voiced by the Congress extremist, falls on deaf ears in the States and makes no appeal whatever to their rulers.

If the obligation of loyalty was eagerly accepted by the Ruling Princes, a like eagerness and realism

characterised their interpretation of the duty of the States towards the King, when the King's peace was disturbed. No strict regimentation or formalism as to what the exact contribution of the States to the defence of the Commonwealth should be, or how it should be employed, was required. Lee-Warner's speculations regarding the power of the Crown to make demands on the States in time of war have never had to be put to a test. It became the tradition, when the Empire was involved in war, for the Ruling Princes freely and of their own accord to offer their assistance in the form of personal service, men, armaments, munitions, and money. During the Viceroyalty of Lord Dufferin (1884-1888) the foundations of the system of Imperial service troops, now called Indian State forces, were laid. These units just before the outbreak of the present war had a strength of 46,000 men. The essence of the system is the supervision of the armament, and the training on up-to-date standards, of certain front-line troops in the States by British officers lent from the regular establishments of the Army in India. These troops remain part and parcel of the State organisations in peace time, but serve under the orders of the Commander-in-Chief in India or other British General Commanding Officer in the field when war breaks out.

The last war provided the test of the reality of the effort of the States; and the response made exceeded all expectation. Feeling in the House of Commons, shortly after the Declaration of War in 1914, was deeply stirred, when a summary received from the Government of India of the offers made by the Indian Princes of personal service, of men, of money, and indeed in most cases of the whole resources of their States, was read out in the House. Nor was this lip service only. Imperial service troops were in the first contingents of our forces to proceed on service overseas from India, accompanied in some cases by the Ruling Princes in person; and units from the States fought with the greatest distinction for the Empire in three continents until the close of hostilities. The enthusiasm of the States to sustain their war effort whether by reinforcements in men, by munition supplies, or by monetary contributions, never flagged during the long course of the war. The contribution of the States to the ultimate victory of the British Empire was, considering their resources, a very notable achievement. The same story is being repeated in the present world war. Incidentally it may be observed that the part played by the Indian States and their rulers in the last war was an important contributory factor in the formulation of Mr Montagu's declaration in the

House of Commons in August 1917 as regards the goal of British policy in India—a declaration which was accepted by all British political parties at the time, and was in a sense a Magna Charta of Indian liberties. This is a fact which the British Indian politician often finds it convenient to forget.

Before turning to the position of the States in the constitutional scheme for a Federal All-India Government at the Centre, which will occupy attention in the reform period, it may be interesting to examine how far in the preceding period All-India aspects of affairs engaged the consideration of the States and their rulers, and to what extent the States were ranked, as a whole, as an integer of importance in any All-India problem.

To take the second point first: certainly for a considerable time the States were hardly in a position to think of themselves as a whole, or as forming collectively an entity of importance, when All-India questions came to be examined. They were, as has been explained, separated from each other by geographical circumstances, differentiated one from another by a number of dissimilar characteristics, and discouraged from joint action or even collective deliberation by the policy of the British Government, which was in the direction of separate relations with each individual State, and fostered the isolation of one State from another in

official matters. Consequently, generally speaking, the outlook of each State was individualistic; but during this period, in spite of these initial centrifugal conditions, integrating and unifying influences were at work. The various Imperial Assemblages—the Lytton Durbar, the Curzon Durbar and the King Emperor's Durbar of 1911 at Delhi—brought the Princes and the leading notables and officials of the States together in a body and laid emphasis on the existence of a Princely Order and of the State entity in India. The exercise from time to time by the Government of India of the discretion of the paramount power, and the growth of political practice, tended to unite the States and their rulers in an effort to secure a precise definition of the essence and limits of the former and a codification of the latter in a set of ascertainable rules. Moreover, in the development of the resources of India, and the modernisation of its administrative arrangements, communications, and trade facilities, different States found themselves faced with similar demands for co-operation in steps contemplated by British India, and began to be drawn together by the need of determining some common attitude on the part of the States as a whole towards such approaches. At the same time the rapid improvement of communications and transport was

sweeping aside the barriers of geographical isolation between State and State. From the angle of view of British India also it had become apparent that a Princely Order with a common point of view on some subjects had emerged and must be considered as a body; and no All-India project could be undertaken without prior examination of its probable effects and acceptance in Native-State-India and calculations of the reaction of that entity to its subsequent development and execution.

The policy of "hands off the Indian States" in British India, with its reciprocal implication of "hands off British-Indian concerns" for the States, virtually shut off the States from taking an active and direct interest in All-India questions and in the administrative policy of the Central Government, except in so far as it related to dealings with the States. But in this case also the States were slowly but surely drawn into the vortex of questions that concerned India as a whole. Successive monsoon failures caused severe famines in many parts of India at the close of the nineteenth century; it hardly needed a Famine Commission to demonstrate that the problems so presented could only be solved by a certain pooling in grain and fodder and transport resources (for joint utilisation in emergency as between British India and the States), and by the representation of the

Indian States in the organisation of the Indian People's Famine Trust. About the same time the labours of the Irrigation Commission made it clear that there would be a vast advance in the utilisation of the water of the Indian rivers for permanent irrigation; and if the States were to profit from these great projects, they could not afford to stand aside and adopt a purely local and parochial view. The epidemic of bubonic plague, which swept India from about 1890 to 1910, did not spare the States, and brought home the lesson that measures to curb its ravages must be uniform and sustained and universally undertaken by all administrations in India alike. Railway development policy obviously could not be carried out in water-tight compartments; and the States soon realised that the future of their own railways and the development of trade in State areas would be affected by new railway construction programmes in British India, and that it behoved them to keep *au courant* with such projects and to make known at an early stage to the British Government any proposals they might have for the extension or modification of such schemes in the best interest of the whole and the parts. Questions of policy also relating to currency, exchange, trade and commerce, and tariffs, began to interest the larger and more developed States, and set them thinking about the

effect of measures which indirectly touched them and their subjects in various ways, but in the framing of which they had had no share. Even to-day there is much distance to travel before adequate correlation between British India and the States is secured in such affairs; but by the eve of the reforms a beginning had been made by the States in thinking of themselves as a body with joint interests and common points of view, and their horizon had begun to be enlarged by attention to All-India problems, and a realisation that All-India measures, even if their direct reaction on State interests was not at first apparent, had often in the long run an import for the welfare of the States.

Before we leave this period there is one point which deserves notice. The relations of the States were in constitutional theory with the Governor-General in Council. The members of the Executive Council were appointed by Royal Warrant on the advice tendered by the Secretary of State for India, who consulted the Viceroy. Prior to 1909 the persons selected for appointment had usually been members of the Indian Civil Service, though the Law member and the Finance member were often not members of this service but persons of eminence in those subjects in England. About the time of the Morley-Minto reforms a convention

was established of appointing a distinguished non-official Indian as Law member. Lord Sinha (1909) was the first Indian to be appointed to hold this portfolio. This system was extended and appointments of Indians were made to hold other portfolios besides the law portfolio. Sir Sankaran Nair was chosen as member in charge of education and was in the Cabinet from 1915 to 1919; and after the Montagu-Chelmsford reforms there were at least three Indians continuously serving in the Cabinet. The Executive Council in this way lost its entirely British character and to some extent also lost its bureaucratic character. The States did not cavil at the change. It was an open secret that most decisions, where paramountcy was concerned, were taken by the Governor-General himself, and that in the more important cases the Secretary of State was consulted before final instructions were issued.

CHAPTER VI

The States in the Reform Period—The Declaration of August 1917—The Montagu-Chelmsford Report and the Government of India Act of 1919—The Chamber of Princes—The Butler Committee—The Simon Commission

ALTHOUGH so far as British India was concerned the seeds of devolution were sown at an earlier date, the reforms period for the States may be said to begin with the declaration of Mr Montagu on Indian policy in the House of Commons on 20 August 1917. This was followed by his visit to India, by the Montagu-Chelmsford report and by the implementing of the policy announced by the declaration of 1917 in the Government of India Bill of 1919. The latter was passed in the same year by both Houses of Parliament without a division being challenged on any clause of importance. The text of the declaration and of the preamble of the Government of India Act of 1919 is reproduced in Appendix I for facility of reference.

Though Mr Montagu's declaration referred to responsible Government "in India", it was not taken in the States at the time it was made as likely

to affect the form of administration in the Indian States; and when this expression was changed in the preamble of the Act of 1919 to the progressive realisation of responsible Government "in British India" and it appeared from the same document that "the gradual development of self-governing institutions" was to take place chiefly in the Provinces of British India, it became plain that from the legal and constitutional aspect the Indian States lay outside the orbit of the new law.

At the same time the States could hardly remain blind to the future implications of this reforming measure. Obviously the foundations of a road had been laid which was to lead the Provinces forward in the end to provincial autonomy in provincial affairs. The definite division of subjects into central and provincial subjects, with the limitations set on interference in the transferred list of provincial subjects by the Central Government, gave a federal complexion to the new order; and in this way the character of the Central Government, now equipped with an enlarged bi-cameral legislature, was changed; and all this pointed to an eventual goal of reform activity taking the shape of some form of federal institutions. The States would now deal with a Government of India very different from that central and absolute body with which they had hitherto had relations.

In the Provinces, the workings of the administration of which were, so to speak, in full view of the adjoining States all over India, the elections on a wider franchise for the legislatures, the appointment of Ministers responsible to legislative councils for the administration of transferred subjects and the interpellative, deliberative, and law-making activities of the latter bodies were not likely to pass unnoticed, or perhaps even unenvied, by the subjects of Indian States; and speculations as to the possibility of the birth of a dyarchic system in the States, where the "Raj" would direct some things autocratically as before, but other things could be administered by representatives of assemblies of the people, could not be kept out of the minds of State subjects. Moreover, in some States this speculation was followed by the establishment by the rulers of so-called legislative assemblies, though indeed with consultative rather than real parliamentary attributes.

Rulers who looked deeper into the matter saw other changes foreshadowed. It was true that the Act of 1919 did not apply to the States. It only introduced the distinction of central and provincial subjects into British India and dyarchy into its Provinces, with Ministers responsible to a mainly elected legislature as regards the transferred group of provincial subjects. The powers of

the Central Government were *pro tanto* curtailed and some changes were made in its legislature; but the change stopped short of the introduction of any form of responsibility at the centre except to the British Parliament. In the Montagu-Chelmsford report, however, the vision of the future was carried farther in the concluding chapter in the following significant words:

Our conception of the eventual future of India is a sisterhood of States self-governing in all matters of purely local or provincial interest. . . . Over this congeries of States would preside a Central Government increasingly representative of and responsible to the people of all of them: dealing with matters both internal and external of common interest to the whole of India: acting as an arbiter in inter-State relations and representing the interests of all India on equal terms with the self-governing units of the British Empire. In this picture there is a place also for the Native States.

This gave food for thought about the future. Meanwhile there was another matter in the Montagu-Chelmsford report which had an immediate interest for the Princes. This was the recommendation to establish a Chamber of Princes. This Chamber was set up by Royal Proclamation on 8 February 1921. The inauguration ceremony was performed at Delhi on behalf of the King Emperor by H.R.H. the Duke of Connaught. The Proclamation, which was read out by the Duke, repeated

The assurances given on many occasions by My Royal Predecessors and Myself ever to maintain unimpaired the privileges, rights and dignities of the Princes of India

and added

The Princes may rest assured that this pledge remains inviolate and inviolable.

The composition of the Chamber of Princes—108 Princes in their own right and 12 Princes elected by the rulers of 127 other States—has already been referred to. The Viceroy is President of the Chamber, and the Chancellor and Pro-Chancellor are elected annually from the Member-Princes. The Standing Committee of the Chamber, which is one of its most important aspects, consists of seven members, including the Chancellor and Pro-Chancellor. Its function is to advise the Viceroy upon questions referred to it by him and to propose for his consideration other questions affecting Indian States generally, and which are of concern either to the States as a whole or to British India and the States in common. The Chamber is a deliberative, consultative and advisory body: it has no executive functions. An important clause in its constitution excluded from consideration by the Chamber

Treaties and internal affairs of individual States, rights and interests, dignities and powers, privileges

and prerogatives of individual Princes and the actions of individual rulers.

It was also laid down that the institution of the Chamber did not prejudice in any way the engagements or relations of any State with the Viceroy, or the right or freedom of action of any State to address the Government of India in regard to any matter. Whatever the Chamber might recommend, it was not binding on any individual State or ruler, and the latter retained the privilege of being consulted individually upon the subject or of initiating a reference in regard to it to the Government.

In some quarters doubts have been cast on the utility of the Chamber of Princes. It was argued that it was not representative of the Princes, because the rulers of some of the important States, e.g. Hyderabad and Mysore, never joined it and some others who joined it seldom attended its meetings. It was said that its lack of executive power stood in the way of any notable achievement and left States free to take up matters under its consideration individually on totally different lines with the Government of India. It was accused of having produced disunity rather than unity among the Princes because of occasional friction over elections to the post of Chancellor or vacancies on the Standing Committee. It was alleged that in

practice its business was mainly conducted by a single group of Princes and that in consequence its resolutions and advice mirrored a sectional rather than a typical or universal opinion of States on the questions involved. It was also pointed out that as regards matters of joint concern to the States and British India it concentrated too exclusively on the attitude of the States to such matters, to the detriment of the common interests of India.

In some of this criticism there may have been an element of substance; but by and large there can be no doubt that the establishment of the Chamber of Princes had a definite constitutional importance and led to practical results of considerable moment. It was a departure from the former policy of the Government of India of discouraging joint consultation between the Indian States and of dealing with each State as a unit in isolation from its fellows. Princes were now invited and encouraged to meet in the Chamber, to consult together and freely to interchange views upon matters of common importance to all States, such as their relationship to the Crown, political practice, and weighty questions regarding points of contact with British India. The political education afforded by joint discussion of these questions by the Ruling Princes was of very great value and marked the first stage

in the evolution of a State point of view regarding the connections of the States with the Government, their place as a unit in the policy of India, and their attitude to All-India questions. The time had come for a change in policy of this nature; and if this clearing house of ideas had not first been established, the Ruling Princes would not have been in a position to contribute, as effectively as they did, to the work of the Round Table Conferences or to the labours of the Indian delegation which assisted the Joint Parliamentary Committee in the consideration of the White Paper of 1933, which was the real basis of the Government of India Act of 1935. The work of the Chamber, and particularly that of the Standing Committee of the Chamber, cut away masses of dead undergrowth from the wood and enabled the issues calling for decision to emerge into the clear light of day. The Standing Committee made an especially notable contribution. It was a sufficiently small and compact body to be able to examine documents with care and thoroughness, to discuss problems in considerable detail and, by the method of wide informal exchange of views, to give that full ventilation to a question, upon which the more formal rules of debate in the larger Chamber perforce put some limitation. In matters of lesser importance, such as points of political practice and ceremonial, a

number of questions were settled to the satisfaction of both sides and disappeared from the field for ever as matters upon which difference of opinion or controversy might arise between the States and the Government of India. It is not too much to say that while as regards the latter a number of causes of friction in political practice were permanently removed, the work of these two bodies upon the larger questions became part of the foundations upon which the structure of the federal provisions of the Act of 1935 was built up.

The views of the Chamber, if not always universally representative, were, to put them at the lowest assessment, something the Government of India had never had before—a very valuable cross-section of Indian State opinion. Whether better machinery could have been devised for securing this is not of moment. What matters is that a very important purpose was served.

If rivalry sometimes occurred on personal grounds in connection with elections, it was in evidence outside the Chamber only; and within the Chamber the resolutions and recommendations passed were characterised by a remarkable unanimity.

In another direction the labours of the Chamber of Princes bore fruit. In December 1927 an Indian States Committee was appointed to investigate the

relationship between the paramount power and the Indian States and to make recommendations for the adjustment of financial and economic relations between British India and the States. This Committee reported early in 1929. The report, printed as Cmd. 3302 of 1929, is usually referred to as the report of the Butler Committee because the Chairman was Sir Harcourt Butler, formerly Governor in turn of the United Provinces and Burma and previously a member of the Governor-General's Executive Council. The work of the Committee was important; but in some directions it disappointed expectations. The States looked to it to provide a precise definition of the scope of paramount power, and generally in other quarters it was hoped that it might help to clear the situation of the States in relation to All-India questions. As regards the latter, however, its investigations were concurrent with those of the Simon Commission which was appointed by Royal Warrant on 26 November 1927 and completed its report in 1930. The wording of the terms of reference of the Butler Committee, and the concentration of attention in British India on the investigations of the Simon Commission into All-India questions, prevented the Butler Committee from covering the whole field of the position of the States in All-India affairs; and in the minds of the Princes at the

moment the issue of the paramount power took decided precedence over the other issue of the place of the States in the polity of India generally, and caused them to devote their main effort, in the preparation and presentation of their case, to the former issue. The second issue in consequence received a somewhat limited treatment from the Butler Committee; and, as will be later explained, could not be investigated at all by the Simon Commission until it had entered upon the final stage of its work.

Two matters of importance, however, emerged from the work of the Butler Committee. The Committee's report set out a number of pronouncements on behalf of the Crown concerning paramountcy. It was contended on the side of the States that the occasions upon which resort might properly be had to the exercise of paramountcy should be more precisely defined, and that the States, without seeking any additional powers or privileges, were entitled to the establishment of a more concrete basis than the reservation of a discretion, to justify intervention in internal affairs. The Butler Committee, however, was unable to propound a formula, though it stated the belief that it was in the generality of the conception that the States would find the most satisfactory guarantee of their security in future. In a speech

in 1903, quoted by Lovat Fraser and William Roy Smith, Lord Curzon had said at Bahawalpur:

The sovereignty of the Crown is everywhere unchallenged; it has itself laid down the limitation of its own prerogative.

The position indicated by Lord Curzon was perhaps left a little more precise; but it was still considered too liquid by the Princes.

In another direction the Butler Committee took a clearer line, and did service in stating forcibly the apprehension of the Princes about federation with an All-India Government responsible to an Indian legislature, and their desire that their prior consent should be obtained before any step of the kind was taken. The relevant passage in paragraph 58 of the report may be quoted:

The States demand that without their own agreement the rights and obligations of the Paramount Power should not be assigned to persons who are not under its control, for instance an Indian Government in British India responsible to an Indian legislature. If any Government in the nature of a Dominion Government should be constituted in British India, such a Government would clearly be a new Government resting on a new and written constitution. The contingency has not arisen.... We feel bound, however, to draw attention to the really grave apprehensions of the Princes on this score and to record our strong opinion that in view of the historical nature of

the relationship between the Paramount Power and the Princes, the latter should not be transferred without their own agreement to a relationship with a new Government in British India responsible to an Indian legislature.

Meanwhile events were moving in British India, and were to take a turn which would bring in the States. The Act of 1919 had laid down that at the end of a period of ten years a commission was to be appointed "for the purpose of inquiring into the working of the system of Government, the growth of education and the development of representative institutions in British India and matters connected therewith" and the commission was to report "as to whether and to what extent it is desirable to establish the principle of responsible Government or to extend, modify or restrict the degree of responsible Government existing therein". There was a sub-clause empowering the commission also to enquire into "any other matter affecting British India and the Provinces which may be referred to the commission by His Majesty".

The patience of political British India had always chafed at the restriction of the period of ten years before any further slice of reform could be forthcoming to satisfy its appetite; and constant pressure and agitation were applied to hurry on another helping. In 1924 a resolution was moved requesting the establishment of Dominion Home

Rule with full responsible Government in the Provinces. It is interesting to note, in view of the insistence by elements in the Indian National Congress party from time to time that only a constitution framed by India itself could be held to be acceptable and that the goal of Indian political effort was complete independence, that it was Pundit Moti Lal Nehru, a leading Congress man, who offered an amendment providing that a Round Table Conference be summoned to prepare a draft of a new constitution. This amendment was accepted by a large majority, though six years later, when a Round Table Conference was held, it was vigorously boycotted by those who had so warmly advocated it on this occasion.

A Committee called the Muddiman Committee was appointed by Lord Reading, with the approval of His Majesty's Government, to investigate the working of the Act of 1919 and report on the possibility of making any changes consistent with the structure, policy, and purpose of the Act. This Committee reported in 1925 and proposed some changes, necessarily of a restricted scope, as they fell within the framework of the existing Act. These changes, however, in no way met the appetite of the politicians for further reforms.

Lord Birkenhead, Secretary of State for India, in view of the continued pressure for advance, in

the course of a speech in the House of Lords somewhat cynically challenged Indians to draft a constitution of their own which would be acceptable to Indian opinion and promised to examine it. The challenge was taken up by a body calling itself the All-India parties conference, which contained among others a number of members of the Central Legislature, and finally after a number of meetings a Committee under the chairmanship of Pundit Moti Lal Nehru was appointed to complete the work and draft the constitution. The report of this Committee was approved by the All-India parties conference at Lucknow in August 1928; but as soon as the leading features of the draft constitution became more widely known it aroused acute dissensions among Muslims, who with the exception of a minute band following Dr Ansari and Mr Azad, repudiated it *in toto*; and it had almost as bad a reception among the Hindu members of the Congress party, where in particular it exacerbated the feelings of the leaders of the independence group. At the annual meeting of Congress in Calcutta in December 1928 numerous amendments were proposed. The amendment, which finally held the stage, was that the report be adopted, but that if Parliament failed to grant Dominion Status by the end of 1929, a declaration of independence should be adopted. This was tantamount to

shelving the report, as Parliament was clearly not in a position to take any step regarding Indian reform until it had received the report of the Simon Commission; and the report of the latter was not expected until 1930. No desire has ever been evinced in India in any quarter to drag forth the "Nehru Constitution" from the obscurity of the shelf to which it was consigned.

The British Government, however, had decided not to wait until 1929 as regards the Statutory Commission; and on 8 November 1927 the appointment of an Indian Statutory Commission was announced in Parliament. This Commission, known as the Simon Commission, after some preliminary work in England, started its task in India on 3 February 1928.

The Commission began in an atmosphere of hostility organised by the Congress party, in which that party and a portion of the Muslim League persisted throughout, but from which the Liberal party, most of the Muslims, and other communities in India disassociated themselves; and it ended in a tornado of condemnation owing to the conservative attitude adopted in its report towards changes in the Central Government. This disappointed the moderates and infuriated the extremists.

Food for the initial hostility, which was organised by Congress, was found in the fact that the

members of the Commission were all British members of Parliament. It was argued that this was an insult to India and her public men. The composition of the Commission from purely political considerations might have been held to be a matter of controversy; but in its Statutory aspect it was logical and inevitable. It clearly harked back to the passage in the preamble:

and whereas the time and manner of each advance can be determined only by Parliament upon whom responsibility lies for the welfare and advancement of the Indian peoples.

This passage, read in conjunction with the language of Section 41 of the Government of India Act of 1919 relating to the appointment of the Statutory Commission, plainly indicated that the members of a commission must be persons with first-hand knowledge of the working and traditions of representative institutions and responsible government. These qualifications, with which the members of the Simon Commission were eminently endowed, could hardly be said to be possessed in a sufficient degree by Indians who had worked such institutions only for a few years, or in any degree by the members of the Congress who, from the outset, had boycotted the legislatures established in India under the Act of 1919 and (after some years of abstention) had only joined

them at the eleventh hour with the avowed intention of "wrecking the constitution from within".

It would have been paradoxical to consider the latter as the type of judges on whose opinion the British Parliament could rely for an assessment of the degree of co-operation and success achieved in working responsible government in India. The hostility did not of course proceed from an intellectual system of reasoning: it only manifested an emotional upheaval. The atmosphere of hostility was somewhat dispelled when Sir John Simon offered to work in close relation with Committees appointed by the legislatures; and in the end all the legislatures in India, except that of the United Provinces, co-operated in the matter and elected Committees to assist the Simon Commission in its enquiry.

The terms of reference of the Simon Commission were hedged about by the wording of Section 41 of the Government of India Act, and consequently restricted the enquiry to the field of British India. As the investigations of the Commission proceeded, it became evident that in making recommendations for the future constitutional development of India, it was essential to take into consideration the relations between British India and the Indian States. No scheme could be in any sense complete which was silent

as regards the methods by which the relationship between these two constituent parts of India could be adjusted in future. In October 1929 Sir John Simon wrote to the Prime Minister and put this conclusion before him. As regards the Butler Committee's report which had been issued early in 1929 he wrote:

We have carefully considered the report of the Butler Committee: but the terms of reference to that body did not cover the whole ground to be surveyed so far as these relations are concerned. Our own recommendations, if we were to exclude from our purview the wider problem which we have indicated, would, we feel, be unduly restricted and we therefore wish, before going further, to ascertain whether we should have the approval of His Majesty's Government in giving this possibly extended interpretation to our own terms of reference. It is not our purpose to seek to explore the field already traversed by the Butler Committee; but it seems clear that we cannot afford to ignore the reactions of the presence of the States on the problem we are studying in British India or the possible repercussions on the former of any recommendations we might frame in regard to the latter. At certain points an inevitable contact takes place.

He went on to ask for an assurance from His Majesty's Government that the Commission would not be travelling beyond the limits approved by Parliament if it pursued what seemed to be an integral element in its investigation.

Mr Ramsay Macdonald, after consulting his Government and the leaders of the other parties, gave the necessary assurance. The States in this way entered the ambit of the Simon Commission's enquiry and report.

The chief references to the Indian States in the report of the Simon Commission are to be found in the following passages. Volume I (Survey), Part I, Chapter 9 gives an admirable account of the characteristics of the Indian States, of their relations with the Government and of factors and events which had linked them up in contacts with All-India problems. In Volume II (Recommendations), Part I deals throughout with the general principles of the proposals of the Simon Commission; and Chapters 3 and 4 contain references in general terms to the position of the States in an All-India polity. Part VII is concerned in its entirety with future relations with the Indian States and with the complications to be overcome before a federal idea can be transmuted into a material fact. Part VIII relates to Indian Finance and includes Mr Layton's report; Chapter 8 of this part deals in particular with the Indian States. Finally, Part XII (General Survey and Conclusion) reviews the scope of the proposals as a whole and has a parting reference to the States.

The Commission had before it an ideal of a

federal form for the ultimate constitution of India, holding that "it is only in a federal constitution that units differing so widely in constitution as the Provinces and the States can be brought together while retaining internal autonomy".

In following up this ideal, the Commission recognised that the first steps to be taken were re-organisation in the provincial units and the evolution of a method which would permit States or groups of States to enter a federal structure, when they so desired, and not insist on the universal assent of all States as a condition of accession. The latter conception ultimately found a place in the federal portion of the Act of 1935. As regards the Provinces it appeared that the most urgent measure was to give a maximum of provincial autonomy, consistent with the general interest of India, to the provincial units in their internal affairs. This meant completing the scheme of devolution to Provincial Governments, which dyarchy in those administrations, and the elimination of the control of the Central Government over the transferred subjects, had already set in motion under the Act of 1919. No detailed account of the proposals for the Governor's Provinces is required here. Suffice it to say that they were thorough and designed to provide in full measure for the purpose in view, and that they formed the basis for that

part of the Act of 1935 which deals with Provincial Governments and has been put into operation.

Even after the scheme for the Provincial Governments had been put into effect the Commission considered that a period of integration would be needed before the federal idea could take actual shape so that the Provinces could become real political entities. This view was strengthened by the fact that elsewhere federation had occurred under the most satisfactory conditions, where integration had been complete and federating units had first become politically self-conscious. Meanwhile what of the States? It was thought that when provincial autonomy was complete, it would be clear that the Central Government would deal solely with matters of common concern to the Provinces, such as defence, tariffs, exchange, opium, salt, railways, posts and telegraphs, and so forth—all questions in which the Indian States were also interested. This concentration of the Central Government on these activities might facilitate some closer association if the States desired to enter into it; but the Commission was impressed by the conviction that evolution along these lines would naturally be slow and could not be accelerated without risk. A start in this direction had already been made by the work of the Chamber of Princes and its Standing Com-

mittee, of whose labours the Commission spoke with warm approval; and all that seemed necessary or feasible at the time was to prepare an avenue of approach towards the federal objective along which the States could march. The march could not be hurried. The Commission quoted from the report of the Butler Committee a passage which, after referring to leaving a door open to closer union, ended with the words:

These things may come. But it has been borne in on us that there is need for great caution in dealing with any question of federation at the present time, so passionately are the Princes attached to the maintenance in its entirety and unimpaired of their individual sovereignty within their States.

Meanwhile there was work to be done in preparing the avenue to a federal Central Government, and practical difficulties to be assessed and surmounted. Instances of these were given by the Commission. In connection with these it commended the suggestion made by the Butler Committee that the Viceroy, not the Governor-General in Council as required by the then existing constitution, should be the agent of the paramount power in relation to the States. This seemed likely to remove a difficulty in the achievement of federation. Another point was that, in view of the considerable size of the provincial units indi-

vidually, it seemed desirable to think out a plan whereby States, other than the great States which would naturally require individual representation, could be represented at the Centre under some group or rotation system. This system had already been applied in a form in the Chamber of Princes; and it only remained to perfect that form so as to be acceptable to the Princes for use in another connection. Finally, there were weighty questions to be ventilated—the composition of the federal legislature, the federal executive, and the federal system of finance—before the frame of federation could finally be designed.

Necessarily only the briefest account has been given of the line of thought followed by the Commission. It is hoped that it has been sufficient to indicate the tendency which was leading it to its conclusions, though it does less than full justice to the strength of the many considerations by which it was actuated. A summary of its recommendations falls under three heads: the Provinces, the Centre, and the Council for Greater India.

In the Provinces the Commission recommended full provincial autonomy; a cabinet of Ministers with joint responsibility for action and policy to the provincial legislature; no reservation of any portfolio from ministerial responsibility; an enlargement of provincial legislatures based on a

wider franchise (including women voters), with constituencies of manageable size; communal electorates for the protection of important minorities; and enlarged financial resources. The Governor was to be endowed with certain special powers for the protection of minorities and a few other essentials, and for use in the emergency of a complete breakdown of the administration.

At the Centre the changes recommended were not striking. It was proposed that the Legislative Assembly should be renamed the Federal Assembly and be reconstituted on the basis of the representation of the Provinces according to population, and that members from Governor's Provinces should be elected by the provincial Legislative Councils by the method of proportional representation. The Upper Chamber, or Council of State, was to continue its existing functions, with a body of elected and nominated members of high qualifications chosen in the same proportions as before. The Central Executive was to continue to be the Governor-General in Council, but the Commander-in-Chief was no longer to be a member of the Executive Council or the legislature, and the Governor-General was to be given authority to select and appoint the members of his Executive Council. It was recommended that the defence of India should be a matter that should fall within the

responsibilities of the Governor-General, advised by the Commander-in-Chief as representing the Imperial authorities. No change was made in the system of joint responsibility of the Governor-General in Council to the Secretary of State and Parliament, though a scheme for strengthening its relations with the Central Legislature was propounded.

It was a mark-time plan to carry on until the stage was ready for the full federal project.

In the proposals regarding the Provinces the Commission had gone the whole way towards transforming them into autonomous entities, and there only remained a period of integration to be passed before they emerged as politically self-conscious units ready to take a place in federation. In the recommendations as regards the Central Government, the fitting of the Centre for federal purposes was not carried forward to any extent; it was purposely left in a condition of suspension from radical alteration while the integration in the Provinces proceeded, and other measures were undertaken for providing a road along which the States could march if they so desired. These other measures assumed the form, firstly, of advocating a serious preparation of a definite list of matters of common interest, so often alluded to but never hitherto exhaustively tabulated and

examined; secondly, of drafting a preamble for the new Act reciting a desire to develop closer association between the Indian States and British India, but making it clear that any such association could only come about if and so far as the States wished it; and thirdly, of the establishment of a Council of Greater India.

The suggestions regarding the Council of Greater India are the only portion of the recommendations of the Simon Commission of which no part whatever has been put into operation by the provisions of the Act of 1935; but in the sketch drawn of the future by the Simon Commission it is one of an interconnected trinity of ideas, all of which were needed for the composition of the final picture. Its particular relevance to the position of the States makes it important in this study of the connection of the States with the constitution of India; and one may be permitted to speculate whether it may not in some way, though perhaps not in identical form, at some time in the future have a practical utility. Who can tell? Some day the navigator may divert his course from what seems at the moment an unprofitable line—the federal portion of the Act of 1935—and set sail in the direction of the Council of Greater India, a line as yet untried, in the hope of reaching the elusive port of federal union.

The conception of this Council was worked out by the Commission in the form of a suggestion that a clause in the new legislation for the Government of India might provide that the Crown could, by proclamation, constitute a Council for Greater India for the purpose of consultation on matters of common interest to British India and the States. From these matters questions regarding the internal administration of a State, or of the whole or a part of British India, and the functions of the paramount power and their exercise, would be excluded. The scope of the Council for Greater India would be particularised by a schedule to the Act, listing the questions of common interest and containing as a final item the words "Such other items of common concern as the Viceroy certifies from time to time as suitable for consideration by the Council". The Council would be composed of representatives from British India and the States in the proportion of two-thirds and one-third respectively. The British Indian delegates might be chosen partly by election from the Central Legislature, by the system of transferable votes, and partly by the nomination of representatives of special interests and knowledge by the Viceroy. The State representatives might be elected by the Chamber of Princes and reinforced by nominees of the Viceroy from the States who were not members of the Chamber.

These details regarding composition were given by way of illustration and were not considered as unalterable essentials. The Council would ordinarily be presided over by the Viceroy. Membership would be for five years. The functions of the Council were to be deliberative only, but provision was made for communication both to the Central Legislature and to the Chamber of Princes of views expressed and conclusions attained by the Council. Various examples were adduced of the utility of such discussions in connection with proposals for tariff reform or other Government measures or private bills; and illustrations were given of a possible closer nexus with the Central Legislature, through committees of the Council assisting committees of the Central Legislature in the investigation of aspects of All-India problems. The valuable and novel feature of the recommendation was that, while hitherto in the Chamber of Princes the Princes had discussed these classes of questions only among themselves, in the Council of Greater India the States representatives could deliberate upon them with the representatives of British India, and that each side, in the outcome, might incline to a better informed and less narrow view of respective requirements and sentiments. That the recommendation offered a scope for political education likely to prove of great value

to federal working at a later stage is beyond all doubt.

In fairness to the Simon Commission, which was criticised in India for timidity in its proposals for the Central Government, one should recollect that, at the time it compiled its report, no general opinion in favour of federation had ever been expressed by the States; and in British India, though the moderates' slogan of Dominion Status for India may logically have been thought to include an idea of the States in some union with British India for the purpose, this part of the aspiration had never been particularised; while the nationalists and extremists had almost always left the States out of their plans, and assumed that if their efforts were crowned with success the States would have no alternative but to come to heel.

If the minds of the public in India were not clear about federation, they were equally vague about the exact form of Dominion Government. Dominion Government had become a political slogan in India: few politicians could define exactly what was meant by the term. Independence of Whitehall (which Dominion Government implied) had for party leaders an attraction which like a magnet drew their thoughts away from the problem of the kind of Dominion Government suitable to India's needs. Was India's Dominion

Government to be of the federal type, like that of Canada and Australia, and if so, on which of the two should it be modelled, as the balance between the provinces and the federal centre differs in each case? Or, deserting those models, was it to be a Dominion Government of the kind established in New Zealand and the Union of South Africa—both again differing from one another and alike only in the feature that neither resembled the Government of Canada or Australia—and if so, how were the many heterogeneous elements and interests in India to find representation in this kind of constitution? These were questions to which twelve years ago well-considered replies would not have been generally forthcoming. To-day, when the federal idea is in the limelight, we are apt to forget that only twelve years ago in India it was dim, distant and nebulous. The participation of the States in a Round Table Conference (if one was ever held) does, however, seem to have entered the horizon of the Indian politician in British India, though it is doubtful if his vision went so far as to project a united federal Government at the Centre, with the States represented, as a possible outcome of such pourparlers.

CHAPTER VII

The Round Table Conference—The Joint Parliamentary Committee—The Government of India Act of 1935

THE idea of a Round Table Conference was first raised in the letter of Sir John Simon to the Prime Minister dated 16 October 1929, in which the question of including the relations between British India and the States in the scope of the enquiry of the Statutory Commission was referred for orders. Sir John Simon wrote:

It seems to us that what would be required would be the setting up of some sort of Conference after the reports of the Statutory Commission and the Indian Central Committee have been made, considered and published and their work has been completed, and that in the Conference His Majesty's Government would meet both representatives of British India and representatives of the States for the purpose of seeking the greatest possible measure of agreement for the final proposals, which it would later be the duty of His Majesty's Government to submit to Parliament.

The proposal was accepted in Mr Ramsay Macdonald's letter of 25 October 1929. This correspondence was published in full with the report of the Simon Commission.

A Round Table Conference, as a method for evolving a future constitution for India, had always appealed to the Indian politicians. It will be recalled that in 1924 even the Congress leader Pundit Moti Lal Nehru had put it forward in an amendment as a commendable course of action. The extreme wing of Congress, however, had never viewed it with enthusiasm, holding that only a constitution framed in India by Indians could be acceptable to Indian sentiment and aspirations. It was the Mecca of the moderates throughout, who thought that the plan of the Congress extremists, with its avowed object of serving only as a prelude to a declaration of complete independence, was dangerous and impracticable, and that a Round Table Conference, by the equal participation of Indians in the discussion, adequately met considerations of *amour propre* and obviated any possibility of a taunt that India was accepting a dictated constitution.

When it was known that there was to be a Round Table Conference, hopes were keyed up to an expectation that its objective would be to frame a constitution on the model of a Dominion Government. The terms "Dominion Status" and "Dominion Home Rule" play Box and Cox in numerous resolutions and speeches of Indian politicians. In many instances it is not certain,

when Dominion Status is mentioned, whether or not it is considered to include a Dominion form of Government. After the War, India, which had been a separate signatory of the Treaty of Versailles, already possessed, in some ways, a number of the attributes of Dominion Status. She had her own representatives at the Imperial Conference held after the war. She was a separate member of the League of Nations; she was represented in the International Labour Office with a seat on its Council; and, as an Indian Ruler had invariably formed one of the delegation to the League of Nations, the emphasis had been properly placed on India and not on British India.

In face of agitation by the extreme wing of Congress, daily growing in intensity, Lord Irwin (who had succeeded Lord Reading as Viceroy) did his best to prepare the way for a full participation of all parties in India in the coming Conference. On 31 October 1929 he published a statement in the *Gazette of India* which contained the words:

But in view of the doubts which have been expressed both in Great Britain and India regarding the interpretation of the intention of the British Government in enacting the Statute of 1919, I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress as there contemplated is the attainment of Dominion Status.

This statement at that moment was found a little embarrassing by the Simon Commission, who had not been consulted about it; and it was taken up by some Liberals and Conservatives in England as tending unfairly to commit Parliament in advance to decisions on the results of the enquiry of the Statutory Commission not yet concluded. The Congress leaders tried to draw the Viceroy into something more definite, and wrote a letter to him asking for further elucidation. This contained the words: "We understand, however, that the Conference is to meet not to discuss when Dominion Status shall be established, but to frame a scheme of Dominion Constitution for India." These manœuvres ended in an ultimatum by the Congress party that it would refuse to participate in the Conference unless assured by the British Government that its purpose was to frame a scheme for a Dominion Constitution for India. As the British Government declined to be drawn into making such an admission, the Congress leaders crossed the rubicon, and at the annual meeting of Congress at the close of 1929 a resolution was passed in favour of independence for India, and against participation in a Round Table Conference. This was followed by the launching of a civil disobedience campaign in April 1930. Mr Gandhi soon gave a lead in breaking the law and was convicted and imprisoned, and other Congress leaders fol-

lowed his example. When the Simon Commission's report was published in June 1930, political excitement in India had already reached such a pitch that a bad reception was inevitable. The conservative attitude of the Commission towards reform in the Central Government was bound to produce an unfavourable reaction in any conditions, and the omission of any reference to Dominion Status in the report added fuel to the fire.

Although the Princes readily agreed to participate in the Conference, the co-operation of the moderates in British India was for some time in doubt. With a view to securing it, Mr Ramsay Macdonald gave assurances that the Simon Commission's report would not be used in the Conference as the basis of discussion, and that members of the Commission would not be included in the British delegation to it; and Lord Irwin once more referred to Dominion Status in a formula used in a speech in the Legislative Assembly which ran: The attainment of Dominion Status is the natural completion of India's constitutional growth.

The moderates finally agreed to join the Indian delegation; but the Congress leaders, in spite of efforts made by the Indian Liberals to induce them to adhere, remained obdurate.

The attitude of the States to the federal idea had not been generally defined before the Conference

opened. The Maharaja of Bikanir, after the Viceroy's declaration of October 1929, had said in a speech that he believed that the support of the Princes would be forthcoming for a Round Table Conference and added:

They have openly given expression to the belief that the ultimate solution of the Indian problem and the ultimate goal—whenever circumstances are favourable and the time is ripe for it—is Federation, which word has no terrors for the Princes and the Governments of the States;

but this was not taken as committing the States as a whole to an acceptance even of the principle of Federation.

The first session of the Round Table Conference opened in London on 12 November 1930 and lasted until 12 January 1931. There were sixteen delegates from the Indian States and fifty-seven from British India (including Burma). The second session began in September 1931 and ended in December 1931; and the third began in November 1932 and ended in the following month. The States took part in all three sessions. The Congress party, of which Mr Gandhi elected to be the sole representative, only took part in the second session.

There was surprise, when, at an early stage in the first session, the Maharaja of Bikanir stated on behalf of the States' delegation that the rulers

of Indian States were prepared to join in an All-India Federation scheme provided due respect was paid to the rights and privileges of the States and their rulers. This statement, which seemed to imply the prospect of a stabilising element in the Government at the Centre, influenced the Liberals in supporting Mr Ramsay Macdonald's group in the direction of extending a measure of responsibility to the Indian Central Government, and also made it easier for the Conservative party to go some way in accepting the policy of the Government.

During the first two sessions, important enquiries were pursued by the sub-committees on the federal structure, on the question of minorities and on federal finance. The most thorny problems which emerged were the safeguards and special powers of Governors and the Governor-General during the transition period before full Dominion Status, and the communal distribution of seats in the provincial and federal legislatures, including the representation of minorities and the depressed classes. To the solution of the latter Mr Gandhi, who attended the second session, might have been expected to make a useful contribution; but the effect of his intervention seems to have exacerbated rather than smoothed over the difficulties, to have left the Muslims even stiffer in their attitude than before, and to have arrayed them on

a common front with the Sikh, the depressed classes, the Indian Christian, the European and the Anglo-Indian delegates, in opposition to the Hindu point of view. Between the second and third Conference the work was carried on in India by Lord Lothian's Committee on Franchise, Lord Eustace Percy's Committee on Federal Finance, Mr Davidson's Committee on States' Federal Enquiries (finance), and a general central consultative committee under the Viceroy.

On 1 December 1931 the Prime Minister had announced that the Minorities Committee had given up in despair the solution of the problem of communal shares in seats, and that it was desirable for the communities themselves in India to get together and agree upon a scheme within a reasonable time. If they were unable to reach a solution, an adjudication by His Majesty's Government would be necessary in order to facilitate further progress in constitution-making. The communities failed to agree on a plan; and on 16 August 1932 the Prime Minister gave out an arbitral award, which was to apply primarily to the provincial legislatures. He made it clear that it was still open to the communities to put forward an emendation of his scheme at any time prior to the final framing of the constitution. No such emendations, however, were put forward, except one which con-

cerned the depressed classes and the Hindus. This was known as the Poona pact and was forced on the Hindu community by Mr Gandhi, in his anxiety to keep the depressed classes within the Hindu fold, by the method of a threat to fast unto death. The Hindus felt that while they had lost ground already in the communal award, Mr Gandhi had obliged them to make further unnecessary and damaging sacrifices in the Poona pact.

At an early stage signs of coolness towards the statement made upon federation by the Maharaja of Bikanir began to appear among the Indian Princes. The Maharaja of Patiala and the Maharaj Rana of Dholpur tried to interest the States in an alternative scheme for a separate confederation of States which would represent the interests of the States *vis-à-vis* the Government in British India. As details of the requirements of federation began to take shape at the Conference, it became clear that numbers of States would find it difficult to co-operate unless the political and financial inducements were pitched at a high figure; and though the Davidson Committee proposed a financial settlement generally favourable to the States, opinion in the States began to harden, and a general reluctance to submit to any direct taxation for federal purposes or to relinquish any special right or privilege without very full compensation came

into evidence. The communal tension, and the disputes about safeguards among the delegates from British India at the Conference, also had an unfortunate effect upon the sensibilities of the Princes.

After the close of the third session of the Conference, His Majesty's Government prepared their scheme for the Indian constitution, which was issued as a White Paper on 18 March 1933. It had been previously agreed that these proposals should be examined by a Joint Select Committee of Parliament, and that Indian delegates should be invited to attend its deliberations. The Joint Select Committee was set up in April 1933 under the Chairmanship of Lord Linlithgow and consisted of sixteen members from each House. The Indian delegation included seven representatives from the States and thirty-three from British India (including twelve from Burma). The meetings continued over a long period and many witnesses were examined. The intricate details of the White Paper were explained by Sir Samuel Hoare. The Committee concluded their labours and submitted their report in November 1934. The curtain was now rung down on the stage of enquiry and on the discussions between representatives of British political parties and representatives of India. These had been in progress without interruption over a period of seven years.

A resolution accepting the recommendations of the Committee found favour in both Houses and a bill based on the report was introduced into the House of Commons on 19 February 1935, and finally passed into law after lengthy debates by the following August. No one during the passage of the bill contested the goal which the Government had set before it. It was only as regards the pace at which the final approach was to be made that the opposition had any qualms. The decisive second reading in the House of Commons was carried by 403 to 133. The general feeling in Parliament was reflected in Mr Baldwin's observation that India should be no exception to the rule that the unity of the Empire had been maintained by meeting—"with good judgment and in good time"—the wishes of the people to manage their own affairs.

The Act was not intended to be final. Professor Coupland makes some interesting observations as to how near to the national independence constituted by Dominion Status, as defined by the Declaration of 1926 and the Statute of Westminster of 1931, the Act of 1935 brought India. He writes:

Apart from the safeguards which proved difficult to work, and the retention of British officials in the Central Government and—a dwindling company—in the provincial administration—the status of India, if the Act came into full operation, would be comparable

with that of a Dominion before 1914. For India would then manage practically all her own business except foreign policy and defence: and till after 1914 the Dominions had acquiesced in the British Government's control of foreign policy though the whole Empire was affected by it: and as to defence most of the Dominions had created national forces for their own protection by land, but a British regular force was still stationed in South Africa in 1916.

He goes on to say that the last stretch of the journey up to full Dominion Status could roughly be measured by the time it would take India to acquire a Dominion's capacity to defend herself with her own army.

There is no need to describe the intricate provisions of the Act of 1935 in detail. The portion of the Act relating to the Government of the Provinces was put into effect forthwith. The other portion relating to the federal Government at the Centre was to be brought into operation by Royal Proclamation as soon as Parliament was satisfied that certain prerequisites had been fulfilled, such as the accession of a number of States representing a certain proportion of the total population of the States and of State seats in the Upper House; financial stability, and the institution of a non-political Reserve Bank.

The portion of the Act regarding the Governors' Provinces was generally recognised in India as

giving full provincial autonomy, though tempered by some safeguards and special powers vested in the Governors, and was acceptable to Indian opinion. The second portion, relating to the federal Government at the Centre, though criticised in regard to various points of detail, may also be said to have been generally welcomed by the opinion of the moderates; but the Congress party persisted in its wholesale disavowal of it, partly on the *a priori* ground that it was not entirely "Indian made", and partly from misgivings on practical grounds based on apprehension that the communal balance as between communities and the weightage of the representation of the States in the Central Legislature, coupled with the reservations of power and the special attributes of the Governor-General, would not provide that unlimited field for its domination of the new order which it desired, and to which, as the largest and best organised political party in India and as representative in the main of the majority section (Hindu) of the population of India, it considered itself entitled.

The reactions of the States were not immediately apparent and were to some extent bound up with events and developments in India subsequent to the passing of the Act. They will be discussed in connection with the latter. The Congress party at

an early stage advanced the mischievous contention that the representatives of the States in the Central Legislature must be elected by the State subjects and not nominated by the Governments of the States or their rulers. This was obviously unsuitable in the case of States with no existing representative institution or machinery. It was impracticable where a group of States had to select a single representative. It struck a wrong note at the outset. It was likely to annoy the Princes and succeeded in antagonising their feelings towards the Congress party and making them apprehensive of a Central Government, in which, under the system of dyarchy, the portfolios concerned with the administration of the non-reserved subjects would probably be held by Ministers drawn from this majority party in British India.

CHAPTER VIII

Events after 1935—Provincial Autonomy in Operation—Deadlock in Progress with the Federal Centre

AFTER the passing of the Act of 1935 much remained to be done in the Provinces before the first portion of the Act could come into operation with machinery in working trim. This work was concluded by the end of the first quarter of 1937. Meanwhile, at the Centre, the Government of India was busied upon the prerequisites for the second portion of the Act. In the foreign and political department of the Government of India this work took the form of preparing instruments of accession for use by the States which accepted federation, and of explaining, to the numerous States that had not been included in the group of States participating in the discussions of the Round Table Conference and the Joint Parliamentary Committee, the full implications and details of the federal scheme.

When time was ripe for action in the Provinces, the elections were held. The Congress party, while remaining unshaken in its wholehearted opposition to the federal scheme for the Central Govern-

ment, decided to take part in the elections for the Provincial legislatures. The party won majorities in eight out of the eleven Governors' Provinces and after a little delay agreed to take office; and Congress Ministries were set up in eight Provinces and continued to hold office and conduct the administration from July 1937 until September 1939.

Professor Coupland has given a graphic account of the working of the Provincial administrations during this period in his *Britain and India*, from which the following quotation is taken:

There could be no question now where the responsibility lay for every act of Government. As long as the "reserved subjects", particularly Law and Order, were still controlled by an Executive Council, which was not responsible to the legislature, it seemed as if the British Raj had undergone no real decisive change. Now it was soon evident that it had not merely been changed: as far as the normal internal life of the Province was concerned, it had virtually ceased to exist. Congress Ministers, who had denounced the self-government offered by the Act as a sham, discovered it was genuine. They found that the British officials, whose presence in India they had declared to be intolerable, were willing to serve them as loyally and usefully as they had served their own superiors in early days. Prime Ministers and Governors were soon on the friendliest terms. Even the notorious "safeguards" proved something of an illusion.... Thus Congress Ministers—and equally of course their confrères in the other three Provinces—realised that they

were in fact masters in their own houses. British officials, similarly, found that many of their anxieties had been unjustified. Like politicians elsewhere, Congress Ministers generally proved more realistic in office than on the electioneering platform. So far from trying to wreck the constitution, they worked it with relentless energy. In matters that closely touched the welfare of the mass of the people, such as land tenure, rural development, and education, they showed an honesty of public spirit not always to be found in democratic office holders. In sum it may be said . . . this brief trial of the new constitution fulfilled the best hopes of its authors, British and Indian alike. The difficult ground between half and full self-government had been crossed without disaster.

Professor Coupland regards it as a misfortune that the requisite minimum number of States did not come into federation during this period and that protracted discussions about accession were still in progress in the States when war broke out. He feels that this delay of the States in acceding resulted in Congress leaders not having the same chance of testing the realities of the federal constitution as they had of the provincial; and he believes that if the opportunity had been given, the Congress leaders would have found that Parliamentary control genuinely existed in the federal field also for the most part, and would have cheerfully acquiesced in the temporary reservations in the rest of it. This opinion, however, must be

classed as speculation. In view of the past bitter and sustained repudiation of the federal constitution by Congress, actively maintained even during the period of co-operation in the Provincial Governments, it seems unlikely, even if the other prerequisites had been fulfilled and the stage finally set for federation, that the Congress high command would have permitted the eight Congress Ministries to play a part in it. It is more than probable that there would have been a refusal to join by the Governments of these eight Provinces, backed by threats of resignations by the Congress Ministries unless and until the scheme for federation at the Centre was first radically altered and made definitely to conform to some model of Dominion Home Rule. The reasons for the hesitations and delays on the part of the States will be examined after the picture of the events has been completed.

For some time prior to the outbreak of the war the Congress party had been loud, in its press and in public speeches, in its denunciations of Hitler and the Nazi system. This feeling was genuine and intense and was shared by the leaders of other Indian political parties and the Indian people generally. When Great Britain declared war, under the constitution India, unlike the Dominions which were free to declare war or remain neutral, automatically became at war also. Though Indian

opinion considered this position derogatory to Indian *amour propre*, the legal obligation was generally understood, and it was appreciated that the Governor-General and the Government of India had no alternative except to conform to it. Mr Gandhi was known to be in sympathy with the high principle which had actuated Great Britain in declaring war against Germany, and both in speeches and in articles in his newspaper *Harijan* he took an early opportunity of explaining his views and of stating that the support given by India to Britain in the war should be unconditional. Unfortunately the majority of the Congress party leaders resiled from his lead in this matter and determined to use the war as a means of exerting pressure on the British Government to make further political concessions. They refused to co-operate in the war effort of India unless the British Government agreed to hold a Conference immediately, composed of elected representatives of British India and the States, for the purpose of drafting an entirely new constitution. The British Government was asked to accept the result whatever it might be. They made it clear that they did not bind themselves to accepting Dominion Status as the outcome, but reserved discretion to elect to stand outside the Commonwealth, to which course they made it clear they personally inclined.

The British Government could not accept this. The Viceroy was authorised to declare the willingness of the British Government to reconsider the Act of 1935 with representatives of communities, parties and interests in India after peace was restored. In the meantime it advocated the setting up of a representative consultative committee to assist the Governor-General and his Government in the prosecution of the war. In spite of personal approaches by the Viceroy (Lord Linlithgow) to M. Gandhi and to the leaders of the Congress and other parties, this solution was rejected by the Congress high command. The latter, soon afterwards, forced the eight Congress Ministries to resign; and the administration of these provinces had to be taken over by the Governors. Early in 1940 Lord Linlithgow carried his efforts at conciliation further and adumbrated a scheme for enlarging his Executive Council, by inviting a number of political leaders to become members of it and to assist him in the prosecution of the war. No acceptance, however, of this far-reaching offer was forthcoming.

Meanwhile the communal situation was becoming acute. With the expansion of self-governing institutions Hindu-Muslim antagonism, always present and sporadically breaking out into open activity, had been growing in intensity and had

caused a number of serious riots, with loss of life, in British India from time to time and in particular in the years just before the enquiry of the Simon Commission. The bickerings about the communal distribution of seats in the legislatures during the discussions of the Round Table Conference had kept the embers glowing. Circumstances had now arisen which fanned them into flame. The constant efforts of the Congress party to assert the predominance of its party as the only party with a right to represent, and speak for, India as a whole aroused deep misgivings among Muslims. There had been two years' experience in seven Provinces (only one Province with a Congress Ministry, the North-West Frontier Province, had a mainly Muslim Ministry) of the position of Muslims under the administration of a Congress Ministry, with a Hindu majority controlling the whole field of provincial activity, including law and order. It was alleged that the Hindu majority had misused its power in these cases and treated the Muslims unjustly. In the provincial sphere, however, there was some set off in the fact that in the remaining Provinces, where Hindus were not in a majority, there were no Congress Ministries; but the greatest alarm was evinced regarding the prospect of majority rule at the Centre. It was argued that the impending domination of the Congress party in

the federal legislature and executive would mean for Muslims all over India the substitution of Hindu rule for British rule.

The gulf between the Congress party on one side and the Muslim League under Mr Jinnah on the other became wider and wider. A long indictment of the sufferings of Muslims under Congress rule in the seven Provinces was prepared and given the widest publicity. The demand of Congress for an immediate Conference in India to make a new constitution was repudiated by the League on the ground that it was impossible to work with Congress because it had flagrantly broken all promises to respect the rights of minorities and ensure fair treatment for them. Claims for a recognition of a separate free Muslim nationhood in India were brought forward. A scheme which had been previously ventilated under the title of Pakistan—a block of Muslim Provinces, the Punjab, Sind, Baluchistan and the North-West Frontier Province, with Muslim Afghanistan and Persia at its back on its western border and reaching out in friendly relations to Muslim Bengal to the east—began to be elaborated in various forms; hints that this Muslim India with a degree of independence of its own would be an effective counterblast to the independent Hindustan, which had been the vision of the Hindu extremists, filled the Hindus with

deep apprehension. Congress leaders feared that the note of independence might lure the Pathan leaders of the North-West Frontier Province away from their party into the League. Extravagance on one side matched intransigence on the other. For the nonce national unity and federation moved outside the pale of practical politics. All efforts of the Viceroy to bring the parties together and promote a better understanding failed. Meanwhile the war effort in India continued at high pressure in spite of the acrobatics of the leaders of the Congress and the League. Against a dark background of agitation by Congress to non-co-operate and of insistence by Mr Gandhi on an untrammelled right to preach pacifism (even to munition factory workers and service recruits), which under his leadership had resulted in the conviction of a number of Congress leaders for making public speeches against the war, the eagerness to help of many leading men of good will in all communities in India stood out clear. It was matched by the enthusiasm of the general body of the people to join armed forces or to aid the Empire's cause by work or other forms of contribution.

In spite of the political deadlock, Government persisted in a policy of giving these feelings the fullest scope for practical expression. The plan of enlarging the Executive Council and setting up an

Advisory Council for assistance in the direction and prosecution of the war was put into effect. The assurances regarding the aims of British policy in India were publicly repeated in the form that the goal of the policy was "the attainment by India of full and equal partnership in the British Commonwealth". Mr Amery, the Secretary of State for India, opened out the vista of India's opportunity when he clearly stated that, provided allowance was made for the due fulfilment of the obligations which Great Britain's long connection with India had imposed on her, the framing of a constitution for India should be "primarily the responsibility of Indians themselves and should originate from Indian conceptions of the social, economic and political structure of Indian life". No effort would be spared by Britain in promoting agreement among Indians with a view to evolving a constitution on these lines, but the main part to be played could be played by India alone. Meanwhile the war crept nearer to India. Asia came on the war map. The angel of the death of freedom had been abroad over the continent and the millions of India could almost hear the beat of his wings.

Before trying to analyse the causes of the hesitation and reluctance of the States to join the federal scheme there are a few occurrences especially affecting the States which require mention.

At the outset the Congress party had included among theoretical objections to the federal constitution for the Centre contained in the Act of 1935 the fact that the representatives of the States in the Central Government were to be nominees of the rulers and not persons elected by the suffrages of State subjects. So long as this point was only an *a priori* objection, though irritating to the Princes and the Governments of the States, it had no practical bearing, as the nomination method possessed the sanction of the Act. But when the point was again taken by Congress in its proposals for the immediate Conference and assumed the form that delegates to the Conference must be elected representatives of British India and the States, the question had a new significance; and the States saw themselves threatened, at any future constitutional Conference that might be held, with a representation of a very different complexion from that which had assisted at the Round Table Conference and the Joint Parliamentary Committee. Coupled with this came increasing contacts by the Congress party, from bases in British India, with State subjects inside the States: attempts were made to gain party adherents and form Congress Committees inside those preserves. In the Bihar States the culmination of efforts of this nature led in one case to the ruler of a State

being besieged in his palace by a riotous mob of mixed State subjects and Congressmen, and to the murder of a European officer of the political department of the Government of India by the mob in the course of his attempts to restore order and protect the Prince. In the Kathiawar States there was also an unhappy incident in which Congress leaders by agitation inside and outside a State forced upon a ruler, who was engaged in liberalising the constitution of his State, a form of institutions the personnel of which was alleged to secure the domination of Congressmen in its counsels. Mr Gandhi was obliged to admit in this case that the Congress efforts had resulted in the commission of a blunder and in injustice, because in the composition of this representative body no provision whatever had been made for the representation of important minority communities and interests in the State. These cases aroused the gravest foreboding among the Princes and their Governments. They felt themselves beginning to be confronted by a foreign totalitarian party at work in the States with fifth-column methods.

The States and their rulers have been criticised for hesitation and delay in signifying their accession to the federal scheme; and it is only just that their difficulties and the causes of their doubts should be fully examined. Moreover, the latter will remain,

until they can be overcome, a persisting obstacle to the evolution not merely of the present scheme, but also of any new scheme for a Central Government in India, based on a union of representatives of the States and of British India for specific federal purposes. It is well therefore that the position of the States should not be misunderstood by those who may be interested in such solutions.

A prerequisite condition to federation in the Act was that States should have agreed to accede, the rulers whereof were entitled to choose not less than fifty-two members of the Council of State and the aggregate population whereof amounted to at least one-half of the total population of the States. The general purport of the condition is clear, though the details are complicated by the rather elaborate rules regarding title to choose members and ascertainment of population which are contained in a Schedule to the Act; but generally speaking, in order to fulfil the condition there would have to be accession by all the great States and a proportion of the smaller ones, or a considerable proportion of the larger States and many more of the smaller units.

Ten years before, the Butler Committee had visualised the difficulties of securing agreement of a body of States to federation. It could only have come about if there had been cohesion among a

number of States from the start, a general keenness on the objective, and the desire and will to act together expeditiously. These elements were, however, either entirely lacking or, where present, were still too weak and undeveloped to assert themselves as a stimulus to common action. As has been explained in earlier chapters, a characteristic of the States in past history had been the individualism and isolation of each State. In the pre-British period groups of States had seldom acted in concert even in the face of a foreign invader; and whenever there had been combinations for a time, unity of action had never been sustained over a long period. Dissimilarities between State and State were more marked than points of synthesis and contact. The interests and ideals of the larger States were different from those of the smaller States. Both valued the protection of the paramount power in the form of the defence of India from foreign aggression; but the protection afforded by the Imperial authority within India itself was much more important to the smaller States than to the larger. Many of the latter felt confidence in their own ability to deal with any attempts at encroachment on their rights within India itself. The individualism and isolation of State from State, which had been carefully fostered by the East India Company in their rela-

tions with the States, to a large extent at a later stage still remained a cardinal point in the policy of the Crown also, though the general idea of union assumed some prominence in the latter period. The individualism of each State was not only a long-established historical feature of the States; it had come in time to be hallowed and valued as something entitling the entity to a special kind of treatment and respect in its relations with the British authority, and as giving a particular claim to protection. The time had not yet come when encroachments of one State on the rights and privileges of another need no longer be feared. So long as a State could count on the fidelity of the British authority to its engagements, it felt secure of protection or redress, if the administrations of neighbouring British Indian Provinces or of adjoining States attempted to trespass on its rights. Many States were still inclined to be more diffident of the good intentions of their neighbours than of those of the remote Central power. Whatever differences might have arisen about the exercise of the paramount power on various occasions in the States, the trust of the small States in that power for defence against a third party had not been belied.

It is true that in the period prior to the Simon Commission's enquiry, various elements had combined to weaken this sense of isolation of State

from State, such as improvements in communications, Imperial assemblages at Delhi, the establishment of the Chamber of Princes, and so forth; but in a country as static as India, the effect of leaven in the lump is in the nature of delayed action. The States, and particularly the smaller States, found it difficult, after a long enforced isolation, to pool ideas: they had not worked in unison with other States long enough to trust each other's judgment; and even if the great States had shown the way and declared for federation, it is doubtful if the smaller States would have shown any alacrity in following their lead. If a number of small States had taken the plunge their action would have had no effect whatever in hurrying the decision of the great States about accession to the new order. With the great States holding back and the rulers of the progressive group, who had been prominent in the Chamber of Princes and at the discussions of the Round Table Conference in London, still hesitant, it was unlikely in the extreme that the smaller States, less well versed in the implications of the federal scheme, could have taken the initiative in adhering; and even if they had joined, they would not have constituted an accession to federation really typical of the State element.

As regards the birth of a general keenness for the objective of federation, the difficulties were no

less formidable. The first fine careless rapture of the Maharaja of Bikanir in favour of the principle of federation, expressed at the first meeting of the Round Table Conference on behalf of the representatives of the States, was never recaptured. Though the Princes have never repudiated federation, yet as the inevitable details of federation—federal finance, federal laws operative in States, etc.—were worked out in subsequent discussions in London or with the Davidson Committee in India the enthusiasm of the Princes progressively cooled down. Much of the essence of federation appeared to them to turn out to be the negation of all to which they had been accustomed. The only financial connections which they had previously had with the Government of India were in the form of tribute payable by a few States only under treaties of old standing. It had been part of the Magna Charta of Indian States that Legislatures in British India could not make laws to run in Indian States. Federation would alter that for those who acceded. They were asked to sail on an uncharted sea where the familiar landfalls were down below the horizon; and even though they might bear a hand in setting the course and steering the federal ship, it was far from clear to them to what port they were eventually bound or what perils they might encounter on the way.

All these considerations swayed desire and determination: the more enlightened Princes and their advisers were quick to perceive that the touchstone to be applied was that of necessity. Messrs Thompson and Garratt in their work, *The Rise and Fulfilment of British Rule in India*, write:

We believe that no matter what the Paramount Power may guarantee to Indian Princes of their former status and unimpaired authority, they must come to terms with the majority as the nobles did in mediaeval times and the Samurai in Japan; and it is obvious that they know it themselves.

Mr William Roy Smith adopts a somewhat similar view when he states:

As hereditary rule depends on British support, most of the Rulers would like to secure a guarantee of their constitutional position before that support is withdrawn. They believe that they can get better terms now while they hold the balance between the Nationalists and Imperialists than they can later when they have to deal with the Nationalists alone.

When these passages were written the Congress party was in a stronger position than it is at present. For the moment it has stultified itself in Indian opinion by resorting to tactics, in the crisis of the war, which Indian sentiment considers to be obnoxious and dangerous. The party, however, is

sufficiently dexterous in political manœuvre to bide its time and to extricate itself from this position later. It will, no doubt, choose a suitable moment and a congenial issue in due course and emerge once more into the limelight as the champion of Indian liberty.

Some writers seem to hold that the democratic fervour exhibited by the Congress Ministries in the administration of the eight Provinces caused alarm to the autocratic susceptibilities of the Princes and aroused misgivings about co-operating with the party in a Central Government. It is, however, nearer to the truth to state that truly democratic characteristics will have no terrors for the Princes provided that they continue to be animated by ideas of representation and ideals of serving the general wellbeing of the country and the people at large. What causes dismay to the Princes is the tendency to interpret democracy, to the exclusion of these wider considerations, from the narrow angle of insistence on the majority domination of a sectional interest directed by a totalitarian high command.

With prophetic vision, the Simon Commission correctly propounded the attitude of the Princes when it wrote:

We believe that they will only be ready to come into the larger Whole when they can see that their rights

and position will be safeguarded. The greater unity will come about when it is felt that it is to the mutual advantage of both sides to pursue it.

Could the Princes feel confident that their rights and position will be safeguarded, if they elect to work the federal constitution with the leaders of the All-India political parties in British India? Judging from their past experience of the actions of the Congress party, the Princes had little ground for such confidence. The attitude of the Congress party towards the Princes and the State administrations had been marked by lack of consideration for the latter's point of view. Congress had depreciated the importance of the States element in the Indian polity, and scouted the necessity of working with it in All-India schemes. It had cast contumely upon the administrative outlook and standards of the States. It had ignored the cultural asset which the States represented in the life of India. While the States had sedulously kept aloof from interference in the internal affairs and politics of British India, the Congress party had shown a growing tendency to meddle in the internal affairs of States and to establish cells of Congress influence among State subjects.

On many points which appeared to the States and their rulers as fundamental in importance, the Congress party held views that were not only

highly distasteful to the Princes but seemed also to jeopardise the safety of India.

Loyalty to the Crown was an article of faith with the Princes. Disloyalty was a course which Congress had pursued of late years with undeviating persistence. Attachment to the British Empire was a fundamental for the States. Severance of connection with the British Commonwealth was the constant slogan of the left wing of Congress. The States were fully seized of the vital need for the defence of India. They had no illusions regarding the menace of war: their State archives were full of what war had meant for the States and for India in the past. For this reason they had made great sacrifices in the cause of defence in the last war, which they had enthusiastically renewed in the present world struggle. In the last war the Congress party had, generally speaking, given no assistance to the Government in the war effort and had opposed a war loan by India to Great Britain in the Central Legislature. In the present war it had not only abstained from contribution or assistance to the war effort, but had actually staged a major disagreement with the Government at the height of the war crisis upon the issue of a free and unconditional right to preach pacifism.

The Congress party in its press and in the speeches of its leaders had either left the States out

of its picture of the new order in India or had assumed that the Rulers were bound to acquiesce in whatever régime it might establish in India. This disregard of what were the oldest political institutions in India and of entirely indigenous and Indian character was galling to the States. Congress speakers alluded to the States as strongholds of reactionary conservatism. This was merely a political indictment. More serious were the allegations that the administrations of States were oppressive and tyrannical and that State subjects groaned under grave misrule. There were instances of States where the administration was backward or even definitely bad. There were more cases where the administrative standards attained were lower than those generally prevailing in British India; but the generalisation was unfair. The administrative arrangements of many States, especially the larger States, were of a high order and compared favourably with those of British Indian provinces; and indeed in some respects, as for instance in the matter of education in the States of Southern India, the State institutions were definitely superior. In spite of a good deal of talk about home rule, indigenous institutions, and Indian culture, the Congress party seemed to the Princes to turn a blind eye to the fact that the Courts and social customs of the States were the last repository in India of a purely Indian culture; whatever its

merits or demerits the latter was a vintage product as compared with the new wine in old bottles on offer by the Congress.

The Muslim League did not present in the Princes' view a more congenial alternative to Congress in the choice of colleagues. Most of the Indian States were ruled by Hindu dynasties and had predominatingly Hindu populations. In other States there were Hindu rulers ruling over mainly Muslim populations or vice versa. The exacerbation of Muslim feeling against Hindus, which had been one of the characteristics of Muslim League policy, was unwelcome in all these quarters. Communal relations in the States had generally been peaceful. There had been few instances of communal riots in State territories as compared with the lamentable record of British India in this respect. Rulers had been careful to pay due regard to the rights and sentiments of subjects of a different religion to their own. The Nizam of Hyderabad (Muslim) for many years had a Hindu as one of his Chief Ministers. Sir Muhammad Ismail, a Muslim of Persian descent, was for a long period Prime Minister of Mysore State (Hindu). The Gwalior (Hindu) Maharaja had always had one or two Muslims in his Cabinet. The position had been the same in the Hindu Rajput State of Jaipur. The late Maharaja of Gwalior had made a

point of attending the Muharram celebrations of the Muslim section of his subjects and had always lent the State elephants and trappings and the Palace and State army bands to add to the lustre of the processions. The latest *démarche* of Mr Jinnah, the head of the Muslim League, in forcing the Premiers of Bengal, the Punjab, and Assam to resign from the Viceroy's Defence Council (which they had joined at the invitation of the Viceroy, not as representatives of the Muslim League, but as Premiers representing their respective Provinces), on the ground that they had not sought his permission to serve on it, seemed to the Princes to exhibit that combination of indifference to the war crisis with party totalitarian spirit, which they resented and deplored in the Congress high command. If these were the leaders with whom the State representatives would have to work in the federal legislature and on whom reliance must be placed for the handling of federal affairs, the prospects filled the States with doubts and misgiving.

Without resiling from federation as an ultimate goal, the Princes thought the time and circumstances for proceeding to it were not at the moment favourable.

My purpose has been to give a background against which the difficulties of fitting the Indian States into a federal constitution may stand out

sufficiently clearly to be understood and appreciated. It is no part of this purpose to prescribe a cordial to revive the constitution of 1935 from the coma into which it has now fallen or to suggest a substitute for it, if that coma proves fatal. The coma stage marks a halt, not a termination, in India's constitutional progress. Some change of attitude or method will no doubt herald the next step. Mr Amery has already made a contribution to a change in attitude by placing the major responsibility for the new departure on India itself. That India must move and do most of the moving, if deadlock is to be relaxed, does not mean that the British authorities in England and India will, by confusing patience with inertia, stand aloof. They for their part surely will continue their vigilance: give a helping hand here, a gesture of encouragement there or an arm to save precipitation into a pitfall, whenever and wherever needed.

The task before the Indian elements is difficult. If the leaders of political parties in British India would devote a fraction of the time spent on the political battles of to-day to the examination of the causes which have lost them adherents in the past and still foster distrust of their policies at the present time, it would probably be found to be time profitably employed. To an onlooker, not the least important of these causes seems to have been

that a desire to dominate and dictate to others has been permitted to obscure the need to understand, conciliate, and attract their interests; and that a narrow conception of democracy as the mere apotheosis of the power of the majority of a section has shut out its wider and nobler mission for the representation of the needs and the consummation of the welfare of all classes of the people.

Recent events appear to demonstrate that the States have not yet become sufficiently united to trust each other or to merge individual interests in a common interest. Mutual trust is a necessary preliminary to their entry into a partnership of trust with the representatives of British India. The position of the States as a body would be unquestionably strong, if some of the members of their body, whose deficiencies in administration cannot be defended, could make an approach to the standards of the best. In the latter, where the subjects are prosperous, safe and content, State rule possesses the great advantage of foundations set in assonance with Indian sentiment and historic traditions. The newer and more hybrid institutions of British India lack this asset and have to rely on other sources for strength or support.

The truth is that both the old India of the States and the newer India have each a special gift to bring to the future of India. The obstacles that at present

prevent them from uniting in making those gifts hardly seem so formidable that patience, understanding, and tolerance cannot some day surmount them. It is to be hoped that in due time a truly Indian Dominion will be born and will take the place that awaits it in the British Commonwealth of Nations. That part of the preamble of the Act of 1919 which related to responsible Government in the Provinces of India has already been fully implemented by Parliament in the Government of India Act of 1935. The reason why the progressive stage at the Centre did not simultaneously move into operation did not spring from any shortcomings on the part of Parliament, but from hesitancy and differences of opinion among elements in India itself. Those differences, however, do not seem fundamental, but rather to have the character of questions in which mutual accommodation in attitude in India will in the end find common ground for agreement and trust. Though the British Parliament has not abrogated its claim to be the final judge of the time and measure of advance, India, when the common ground has been found, can now be in no doubt that, if it takes the initiative wisely, Parliament will meet it half way. The question is no longer whether India is to govern herself at the Centre, but by what machinery she can do so.

CHAPTER IX

RETROSPECT

POST MORTEMs are seldom satisfactory processes; but before leaving the subject it may be well to examine whether in handling the position of the States the British authorities by adopting a different method in the past could have made it easier in the long run to associate the States in a direct share in the Central Government of India. The question appears simple, but it is difficult to give an answer other than the fruit of speculation. If it had been possible, without incurring serious risk, to drop the policy of subordinate isolation, so necessary on tactical and strategical grounds in periods such as the Maratha Wars, at an earlier stage, this might have resulted in the formation of a solid section of Indian State opinion and interest—a sort of States' Union Congress—easier to negotiate with and better equipped to protect itself against political organisations in British India than the loose mass of individual States with which the British authority is in contact to-day. Such action would not only have placed Native State India as an entity in a better bargaining position, but also given facilities all round for discussion and

agreement on constitutional issues and All-India questions which have not yet been secured. It is possible, however, that the traditional individualism of the States, stronger then than now, would have rendered early experiments on these lines unfruitful.

Another weak link in the past chain of treatment seems to have been the exclusion of the States—except in the matter of defence, in which their association and co-operation were always close—from interest or participation in All-India affairs, which have been dealt with in the earlier period by the bureaucracy alone and, later, with the increasing devolution, by the bureaucracy assisted by the political representatives of the people of British India. Many of these questions affected the States either directly or indirectly; but until the Chamber of Princes was established, the States were not encouraged to have an interest or say in them, or even invited to occupy some standing advisory or consultative position in regard to them. No doubt the States were shortsighted in not pressing at an earlier date for some arrangement of the latter kind, which would at least have resulted in keeping them well informed as regards policy in such matters, and would have proved politically educative.

Perhaps the Princes deliberately avoided seeking a closer connection with this side of the activities

of the Government of India owing to the apprehension that British India might have looked for some form of reciprocity, might have become unduly interested in the administrative affairs of the States, and might have been tempted to intrude into spheres which the States preferred should continue to be the sole concern of the representatives of the Crown.

These are difficult problems; but the most difficult of all has been the recognition (at rather a late stage in the history of the relations between the British authority and the States) of a number of smaller States, some hardly larger than estates, as entitled to be considered and treated as States and as possessors of degrees of sovereignty. It is true that in many of these cases the accepted degree of sovereignty is limited; but the limitation often stops short of permitting them to be administered according to standards which would ensure their subjects the liberties and amenities enjoyed by the people at large in British India or the bigger States. The smallness of the area and the scantiness of the resources of each such unit put it beyond the power of its ruler to give his subjects the advantages of civilised institutions, such as a competent system of education, communications, public health or judicial arrangements, which are commonplaces in the statal and social system of its neighbours.

Looked at in the light of subsequent events, it seems a matter for regret that such small entities were ever recognised as falling within the Sovereign State class. At the time of the settlements made with them, their chiefs would probably have been well content with something short of sovereignty—say with a baronial position such as that of the Taluqdars of Oudh. Or, if it was decided to recognise them as sovereign in some degree, the recognition might have been tempered *ab initio* by a limiting condition of a pooling of resources for the provision of adequate administrative and social services, under the supervision of the Government of India, over a whole group or tract, for the general benefit of the subjects of the units concerned. This was actually done in a few cases only. Europe has Monaco, San Marino and Andorra left as museum pieces to illustrate the anomaly of the small sovereign State. It is fortunate only to have three specimens. The latter, however, are still so numerous in India that they offer a grave conundrum in evolution to which no solution is at present forthcoming. Britain is bound by precedent and engagement to ensure the integrity and survival of these small units. Their disappearance and absorption would of course be inevitable if Britain ever ceased to be the supreme power as regards India.

The small State is the most vulnerable link in the corselet of the armour of Indian-State India. It is a weakness of which the larger States are fully conscious, but of which they can see no means of ridding the princely order without jeopardy to the principle of the sanctity of treaties and engagements which is the breastwork of the whole system of Indian State existence.

CAMBRIDGE

September 1941

APPENDIX I

1. *Mr Montagu's Announcement* in the House of Commons on 20 August 1917 was in the following terms:

The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments and to receive with him the suggestions of representative bodies and others. I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance, and they must be guided by the co-operation of those upon whom new opportunities of service will thus be con-

ferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

2. *The Preamble* to the Government of India Act of 1919 repeated Mr Montagu's announcement in the following words:

Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian Administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible Government in British India as an integral part of the Empire:

And whereas progress in giving effect to this policy can only be achieved by successive stages and it is expedient that substantial steps in this direction should now be taken:

And whereas the time and manner of each advance can be determined only by Parliament upon whom responsibility lies for the welfare and advancement of the Indian peoples:

And whereas the action of Parliament in such matters must be guided by the co-operation of those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility:

And whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give those Provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities:

Be it therefore enacted . . .

APPENDIX II

The following authorities have been consulted:

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5. *Our Indian Protectorate*—Tupper.
6. *Indian States in Federation*—Varadacharia.
7. *The Relations of Indian States with the Government of India*—Pannikar.
8. *The Rise and Expansion of British Dominion in India*—Lyall.
9. *The Rise and Fulfilment of British Rule in India*—Thompson and Garratt.
10. *Mughal Rule in India*—Edwardes and Garrett.
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16. *Storia do Mogor*—Manucci.
17. *Travels*—Bernier.
18. *Asiatic Review*, July 1939 to July 1941.

19. *Reflexions on Indian Discontents*—Rushbrook Williams (reprint from *The Nineteenth Century and After*).
20. *India from a Back Bench*—Baillie; Cazalet; Dufferin; James; Patrick.
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The Indian States and Indian Federation.